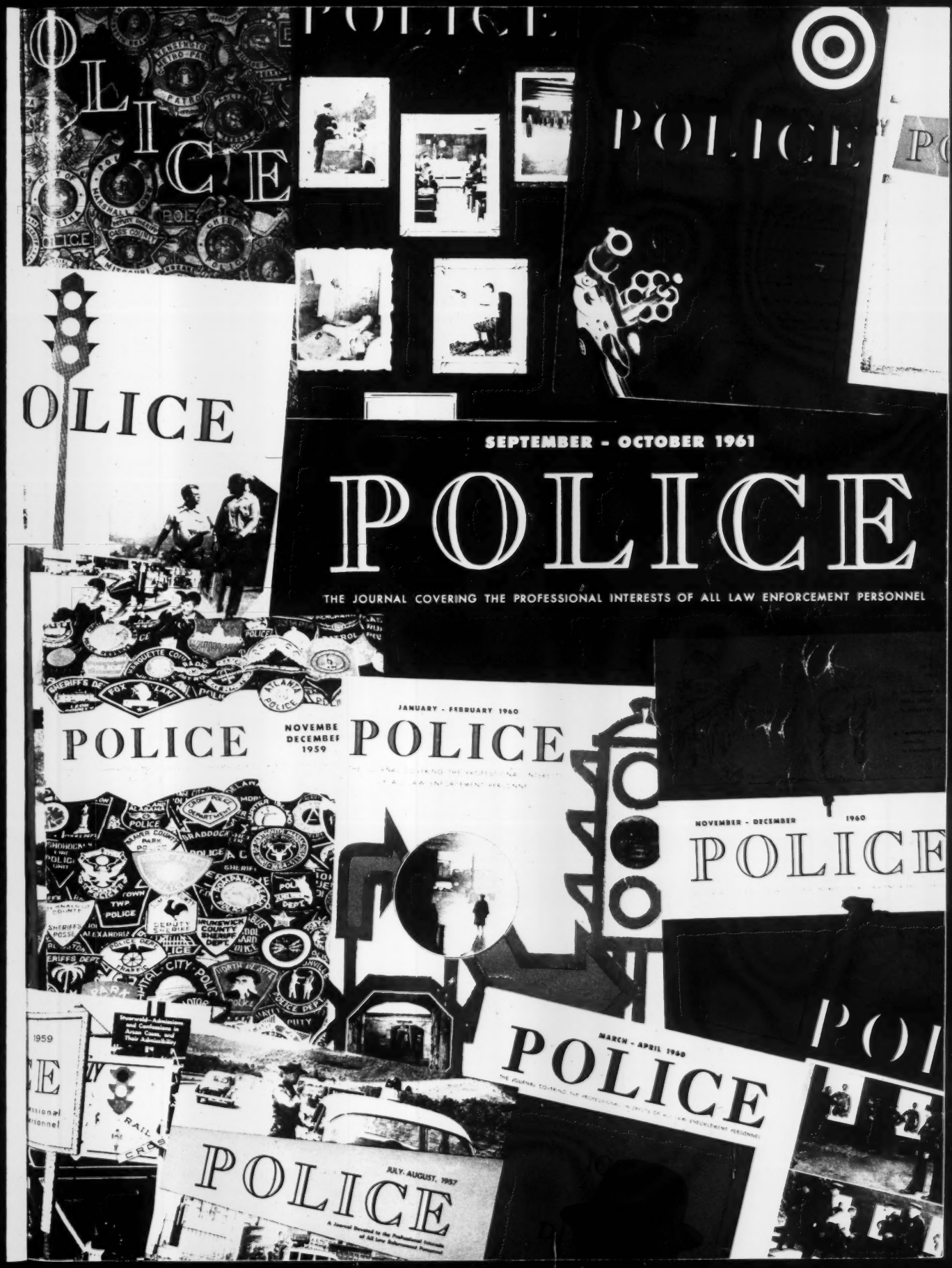
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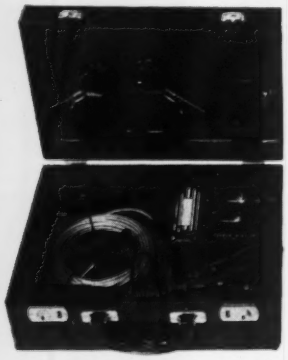

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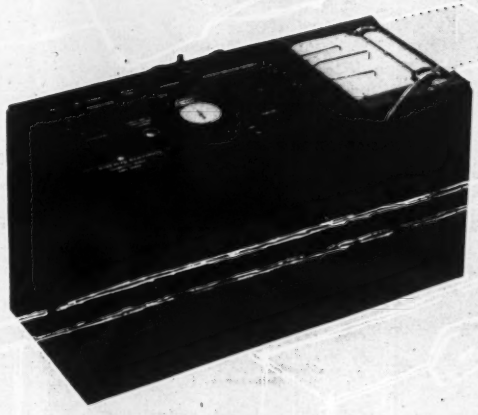

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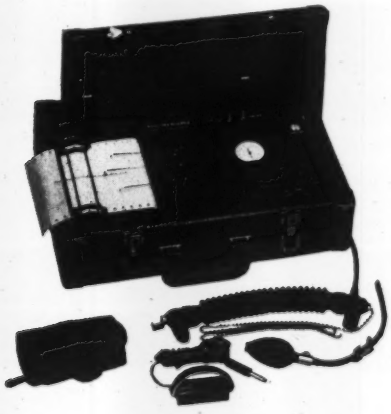

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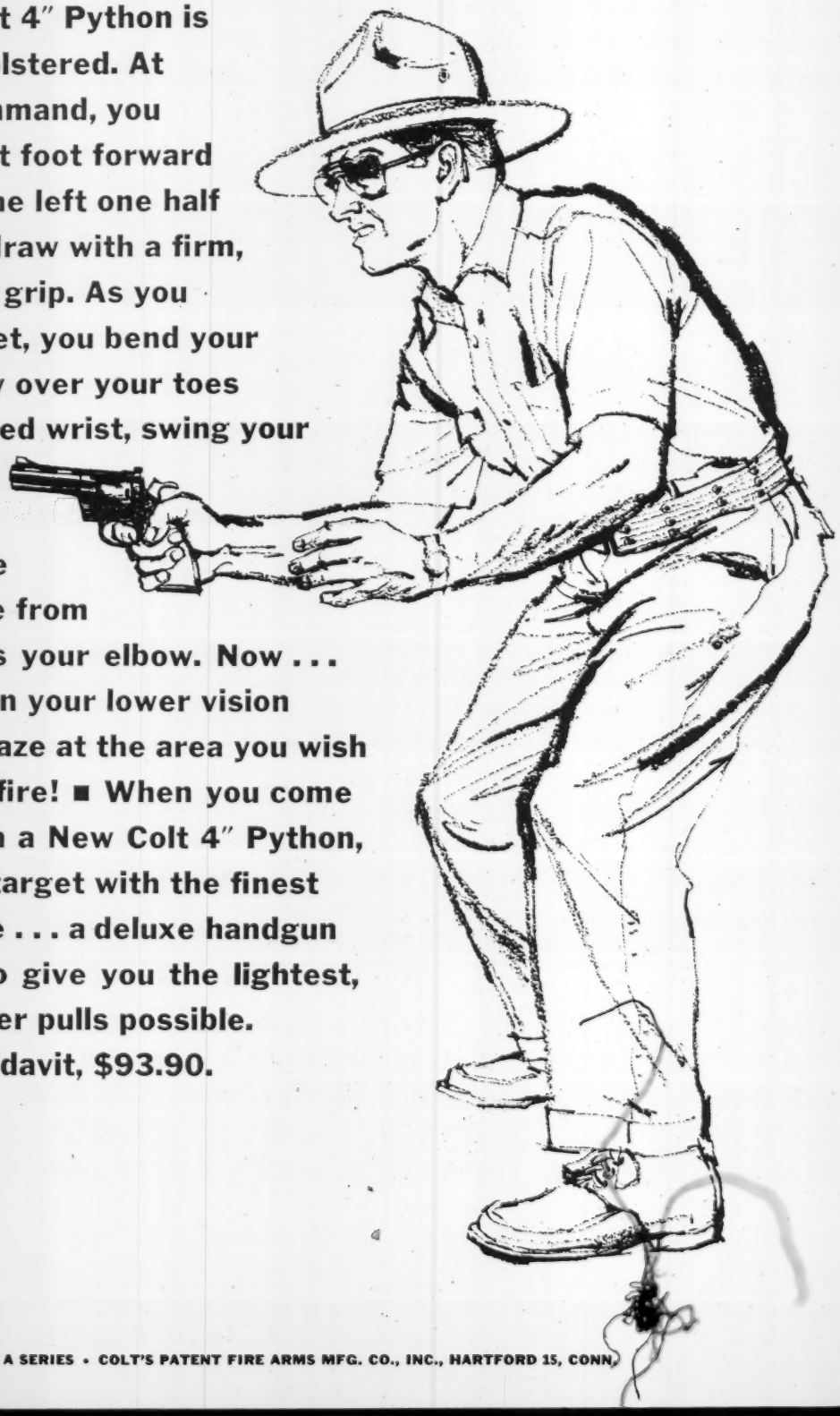

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Peyote: Narcotic or Not?

By Ted Brown

ABOUT THE AUTHOR: *Lieutenant Brown was educated at St. Mary's College and began his career in police service as a Patrolman in the Police Department of Oakland, California, in 1940. In 1947 he was promoted to the rank of Sergeant of Police in the Patrol Division as officer-in-charge of district station Juvenile and Vice Detail and later became Inspector (Detective) of Police, assigned to the Homicide Detail. In 1955, he was promoted to the rank of Lieutenant of Police in the Patrol Division and in 1956 was appointed Commander of the Vice and Narcotic Control Division, the position he now holds.*

The author is a member of the Legislative Committee of the California Narcotics Officers Association and as a promoter of the program of Addiction Control Through Nalline has appeared as a lecturer on the subject of Narcotics throughout California. He was the recipient of "The American Legion, Department of California, Narcotic Committee CERTIFICATE OF DISTINGUISHED SERVICE" *for 1960.*

Lieutenant Brown is a regular contributor to the professional journals on the subject of narcotics and is the author of THE ENIGMA OF DRUG ADDICTION, *Charles C Thomas, Publisher, scheduled for release in 1961.*

Added to the growing list of encumbrances placed on law enforcement in every field of their battle against the evils of criminality—and nowhere are they so marked as in the area of narcotics control—is the inertia brought about by the lack of clear-cut national uniform narcotic laws. This has resulted in permitting unscrupulous professional people and profiteers who openly flood the nation with dangerous substances such as peyote, to advertise in newspapers and magazines, flagrantly flaunting federal agencies and state statutes, simply because no one takes the initiative to do something about it. And bureaucracy plays no small part in the spread of this evil.

A study of some of our laws offers an explanation of how these dealers in dope can carry on their profitable trade unmolested by law enforcement officers who too are to blame for not insisting that action be taken to eradicate these cesspools of commercial illicit drugs.

While narcotic agents are—or certainly should be—acquainted with peyote, many law enforcement officials are unaware of its existence. For this reason it might be well to briefly describe this ancient and peculiar plant glorified and exaggerated by writers who claim, "it is greater than a sexual experience"; a drug known for at least "four hundred years to Indians" and which is now "enjoying a new vogue with suppliers conducting a brisk nation-wide mail-order business."

Peyote is a cactus which grows primarily in the southwest United States and has been used in religious rites for centuries by the Indians of that area and those of Mexico. The entire plant is about five inches long; the button, or top—the above ground portion—is round, soft and pulpy, pale green in color, about two inches in diameter and approximately three-quarters of an inch thick. In the center of this bulb or button, is a small pale flower. The root is about four inches long and tapered so that the entire vegetable has the appearance of a cone. Generally, the button is cut off and dried, the root discarded. The dried button is then prepared for consumption—either brewed in a tea or eaten in the raw. Beatniks of Greenwich Village have been known to grind the entire plant in food mixers and use the product as a filler for pastry dough. These "peyote cookies" are apparently more palatable than the raw article. Other off-beat characters have been able to swallow this powder by pouring it into gelatin capsules.

Primitive people associated this strange herb with the supernatural and it played an important role in their religious rites because of the unexplainable effects it produced and a belief that the drug enabled them to communicate with the spirit world.

The alkaloid in peyote is known as "mescaline" and has been used experimentally in psychiatry, but like marihuana, it has found no place in medicine. Its effects are varied, ranging from no reaction to a strange intoxication accompanied by visions in glorious technicolor. The imbiber generally becomes nauseated but if he overcomes this and the exceedingly bitter taste of the plant, he is said to experience a wild variety of weird perceptions and hallucinations.

The investigation of two recent cases of possession of peyote were prompted as a direct result of an article found in a national magazine which blatted that peyote was America's newest narcotic—"better than whiskey." How many susceptible Americans read this and droolingly stuffed their money-orders into envelopes addressed to the Texas distributor (fully identified, price list included, in the article) is unknown, but it is known that at least two in one city took advantage of the emotional thrill promised—a fifty-two year old man and an eighteen year old college student. These are the cases under investigation at this writing and the ones which will at least shut down one supplier of this "magic" that has been "enjoyed by unknown numbers of young adventure-seekers in America as a substitute for liquor."

The writer of the article, which in effect amounted to a several thousand word advertisement for the peyote merchants (it included a reproduction of a paid ad in a New York daily), went into great detail in describing the effects (he actually consumed some buttons) but more importantly, he categorically stated that peyote is not labeled by the fed

Address: Lt. Ted Brown, Vice and Narcotic Control Division, Oakland Police Dept., Oakland, California.

eral government as a narcotic and therefore was not illegal. This is not only misleading, it is an utter untruth.

The Federal law does not differentiate between "addicting" and "habit-forming" drugs but includes many types. Under the Federal law, an "addict" is:

> . . . any person who habitually uses any habit-forming narcotic drugs so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction. (42 U.S.C.A. Section 201(k))

The term "habit-forming narcotic drug" or "narcotic," in the Federal law means:

> . . . opium and coca leaves and the several alkaloids derived therefrom, the best known of these alkaloids being morphia, heroin, and codeine, obtained from opium, and cocaine derived from the coca plant; all compounds, salts, preparations, or other derivatives obtained either from the raw materials or from the various alkaloids; Indian hemp and its various derivatives, compounds, and preparations, and *peyote* in its various forms; isonipecaine and its derivatives, compounds, salts, and preparations; opiates (as defined in Section 3228 (f) of Title 26). (42 U.S.C.A. Section 201 (j))

While peyote is listed with the "accepted" narcotics (morphine, heroin, codeine and cocaine) which are strictly controlled by the levelling of penalties for its illicit possession, use and sale, no penalties can be found for the illicit traffic in or use of, peyote under the laws administered by the Federal Narcotic Bureau. This situation is the cause of the misconception as to the legality of the drug on the part of purchasers (urged by irresponsible reporting such as found in the magazine article previously mentioned); the reluctance to follow through by law enforcement officials, and the apparent apathy of the federal agencies generally associated with the task of narcotic control.

But as with the case of the pep-pill menace, local law enforcement officials can instigate action if they but take the initiative and insist that such practices be curtailed. While it is convenient to simply dismiss these cases because no one makes an effort to do anything about them and instead of following through, tend to carp about the lack of tools with which to operate, the police can generally find among our myriad of laws and legislation, one means or another to conclude their cases with other than a peremptory dismissal.

In respect to peyote, this medium is found in the Federal Food, Drug, and Cosmetic Act of the U. S. Department of Health, Education, and Welfare, Food and Drug Administration. Section 301 (Title 21, U. S. Code), in part, reads:

> The following acts and the causing thereof are hereby prohibited:
>
> (a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

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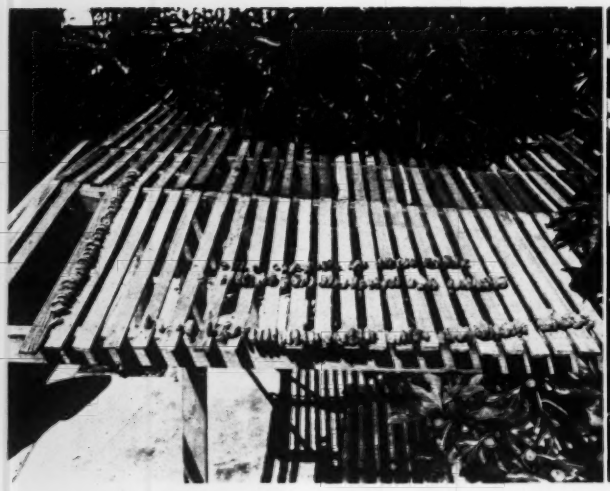
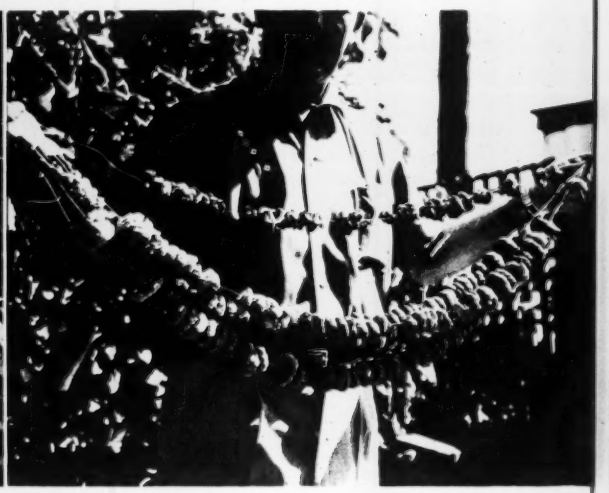


Peyote buttons drying in the sun.



Another view of Peyote strung on wires to dry; confiscated in raid.

(b) The adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.

(c) The receipt in interstate commerce of any food, drug device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

Misbranded drugs and devices are defined under Section 502 of the F.D.C. Act, as follows:

Sec. 502. A drug or device shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If in a package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count . . .

(d) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, *peyote*, or sulfonmethane; or any chemical derivative of such substance, which derivative has been by the Secretary after investigation, found to be, and by regulations (F.D.C. Regs., part 165) designated as, habit forming; unless its label bears the name, and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

These statutes clearly restrain the interstate dealers, for their methods of shipping peyote consists of crude unlabeled bundles covered with wrapping paper or shoe boxes lined with old newspapers. Other sections of the code strictly regulate the sanitary and contamination aspects of articles handled by producers and distributors and it is not likely that a peyote peddler would meet these stringent conditions were the peyote trade deemed legitimate because of the misinterpretation of other regulatory legislation.

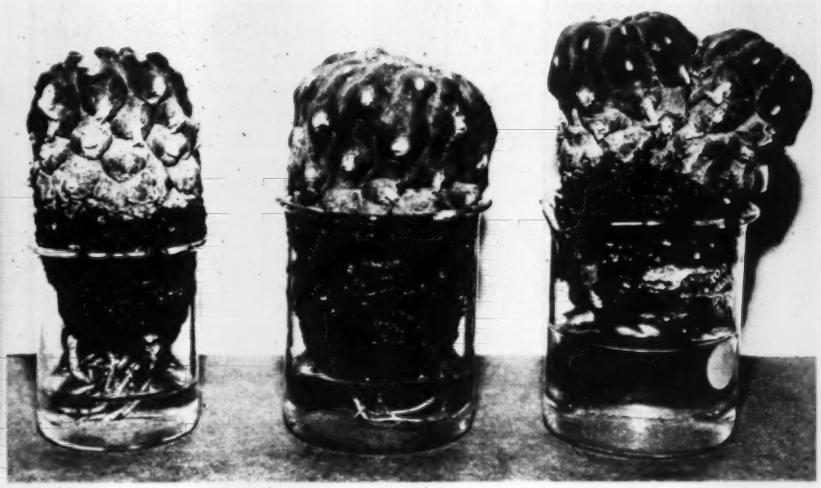
But what of the laxity on the part of our legislators which permits the dissemination of dangerous and unwholesome writings to be read by susceptible youths? This question is analogous to the problems of pornography and the ease with which devious dealers in gambling devices are permitted to make punchboard salesmen out of six year olds, and the quacks who peddle pills as "weight reducers" — bought by teenagers by the gross for the "kicks" derived from these stimulant type drugs.

The difficulties encountered in investigations of vague or unusual violations are met on the local scene as well as on a national scale. Despite the clear-cut, doubt-free California statutes which prohibit the possession, sale or use of peyote, a local magistrate at this writing is hesitant to hold to answer, a defendant charged with possession of peyote on the grounds that the defendant did not have knowledge that the peyote he sent for and received — and was drying in his backyard, admittedly for his consumption—was a narcotic!

As was pointed out to the judge (after he intimated that the interested officer's prime concern was losing a case after having done considerable work on it), the fate of this particular defendant was of little consequence: it was the precedent which a dismissal would establish that would open the door to future pleas that the possessor of any illegal narcotic could claim he had no *knowledge* that the (heroin, marihuana, cocaine, etc.) substance was in fact an illegal narcotic drug.

Briefly, the case is as follows:

On the 19th of July, 1960, a middle-aged wife brought into the office a peculiar, round, button-like object of vegetable matter which was quickly identified as peyote. She stated her husband had scores of these buttons drying in the backyard and was certain that it was some kind of narcotic. Investigation disclosed one hundred of these cacti tops threaded on a wire and strung on a trellis in the sun. The husband at first denied ownership but subsequently admitted that he had sent for them after reading a magazine article which described them as being better than whiskey—the effects were said to be as gratifying but with no hangover. He ex-



Immature plants showing partially formed buttons and the thick stalk.

Left: Underside of sliced and partially dried Pyote buttons. Right: Top view of buttons.

plained that the article he read contained an advertisement which furnished the name and address of a Laredo, Texas dealer and a price list for various amounts of peyote buttons. In addition, the defendant produced a letter from the "..... Cacti Ranch" in Laredo, which was sent in response to his inquiry prior to his purchase. The letter, verbatim, (deletions are necessary because the case is not concluded) is reproduced here:

Dear Sir:

We have ten varieties of cacti for sale and the peyote is included in this selection. You do not have to purchase all ten varieties to obtain any amount of peyote you may desire. You may order the peyote cacti only if you wish. The prices are as follow:

Large	$10.00 per 100.
Medium	$ 8.00 per 100.
Small	$ 5.00 per 100.

We feel it is fair to tell you, our customer, that you will get as much as four or five times as much juice from the larger peyote buttons than you will from the small; but you may order the size you prefer that best suits your needs. That is why we sell the three different sizes and prices for your personal selection. We also have a special offer of 1000 peyote or other cacti for $45.00. This special includes all three of the above mentioned sizes, completely ungraded; just as we receive them from our collectors. Please remember that you must order at least 1000 at one time to be able to take advantage of this offer at this price.

We are asking all of our customers to please address all correspondence and make all checks payable to —— Cacti Ranch as we are no longer with ——. Mrs. —— is my sister and we at one time used her name to advertise and ship plants by; due to the fact that we did not have our nursery license. We are happy to say, we are now a licensed business and no longer are affiliated with my sister. —— —— do not and never did sell peyote or cacti in any manner; only Orchids.

Please enclose cashiers check, money order or cash to cover cost of plants; as we do not ship C.O.D. at any time.

We ship all orders by railway express due to the fact that as a rule the plants are too heavy to ship by Parcel Post.

You, the customer, pays all shipping charges at all times; no matter how large or small the order. We never pay shipping charges on any package.

Thank you for your letter of inquiry about our prices on peyote. We shall look forward to hearing from you at your very earliest convenience.

Sincerely yours,

—— — ——

The defendant was charged with violation of Section 11530 of the (California) Health and Safety Code – Possession of Peyote. Ordinarily, this was a "cut and dried" case (the defendant had "cut" and "dried" illegal peyote!), but by the time he came to court after having manufactured a defense with his attorney, the court, in essence, placed upon the prosecution, the burden of proof that the defendant *knowingly* possessed an illegal narcotic.

In court, the defendant denied that the magazine article produced by the prosecution was the article which he had read, and a most diligent investigation failed to uncover any other periodical which carried an article on peyote. The court held this was insufficient evidence; that the unlikelihood that more than one magazine (published during the same period) would contain an article on peyote, listing the same source of supply and other specific similarities of information ("a substitute for whiskey," and the identical price list), was not presumptive evidence and placed the burden of proof that only one such article existed, on the prosecution.

On the 7th of September, 1960, the father of an eighteen year old brought the youth and a package containing a score of peyote buttons which the youth admitted receiving after answering the same ad from the same magazine. This did not convince the judge of the *knowledge* of the first defendant nor did the circumstances surrounding the teenager and his peyote sway him in his deliberations (he did, however, continue the case: the status at this writing.)

In an attempt to impress the court with the dangers inherent in narcotic promiscuity, the story of the youth was related:

The boy had read (and identified) the magazine article in question and sent in an order for peyote. He had previously read and heard about the weird sensations attributed to peyote ingestion and upon receipt of the buttons, took his prized possession to a teenager summer camp where he became somewhat of a hero. He distributed some of the plants to two fourteen year old girls, a fourteen year old boy and to another youth of sixteen, but not until the day the students were to return to their homes throughout the state. He also gave a dozen buttons to a forty-year-old camp supervisor who had had several conversations with the boy about the drug and who agreed to eat some when he returned to his home and to his regular position as a teacher of Gandhism in a private school. The two further agreed to record a running diary of their reactions while under the influence of the drug and to later compare their notes.

The boy waited until he arrived home before starting his experiment. While alone, and with writing materials handy, he began his thrilling adventure into the unknown—peyote intoxication. He proceeded to chew the buttons – not yet dried but in a state of soft, fleshy, obnoxiously abhorrent vegetable matter with a hard, thick and ugly brown tapered root which looked like decaying tree bark. His dosage was set at three plants (including the roots). He chewed and swallowed the first one but found it so gallingly bitter that he had to apply fig jam to the other two before he could get them down. He took great pride in the fact that he didn't become overly nauseated but was depressingly disappointed in the results. His incomplete diary written while under the "influence" —typical of an impressionable, immature adolescent—reads:

Peyote Diary Sept-5, 60

Unpleasant tasting—ate 3—with fig jam. 10:15—now smoking Pall Mall—listening Mose Allison—typing—trying not to think about it—hard to type—can't remember where the keys—stopping—waiting for something to happen—got to let it come—not be anxious—moved into my room from living room—guitar jazz now—Susie's record—saki cup of cream sherry—Mills brothers—fearing I did something wrong—only 10:30—will it come? Another weed—watching smoke beautiful intricate patterns—blue blending into white—tired now. 10:45 no change. 11—still not much—going over to Susie's—

This was as far as he got with the experiment – he became bored and impatient; perhaps if he had waited longer, he may have experienced the sought-after effects . . . But his unscientific lack of endurance prompted him to find something more interesting to do. He later related that two hours after taking the peyote he felt "overly active, fidgety and alert"; that he had a feeling of not "really being 'there', I felt detached; that I was looking into things from above." He then went to a friend's house where he furiously chopped wood "for three hours and burned out the effects." It is a misfortune the "grand experiment" didn't result in at least a temporary "grand malaise."

All of those involved with the boy and his peyote were investigated – with particular attention directed to the "teacher of youth" who encouraged and took part in the boy's experiment.

The indecision and conjecture associated with the legality of peyote must be resolved just as legislation must be enacted to prevent unscrupulous editors from publishing untrue and misleading articles about dangerous drugs.

The contradictory opinions handed down by various courts of law have in recent years become commonplace and while they are of great concern to law enforcement officials, they no longer are startling. Apropos of this confusion is the ruling of a Superior Court judge in Flagstaff, Arizona who on July 27, 1960, ruled that an Arizona law forbidding the use of peyote was unconstitutional. The judge said the law violated the 14th Amendment of the U. S. Constitution.

This Arizona test case was made after a woman was convicted of illegal possession of the plant. She appealed on grounds her religious rights were violated and that she used peyote during services of the Native American Church of North America – an estimated 200,000 American Indians are allegedly members of the cult.

The judge ruled: "There is nothing debasing, nor morally reprehensible about the use of peyote in this religious rite." His opinion was bolstered by the testimony of a professor of anthropology who claimed he had studied the use of peyote for several years and that he used it during his research. He found that it produced "bright, vivid colored hallucinations of places, but at no time was I out of control with my environment." Judge McFate further ruled that peyote was not habit-forming nor a narcotic.

The federal law lists peyote as a narcotic; the F.D.C. recognizes it as a narcotic, and many states prohibit it by statute.

What must be done to protect young Americans from poisons like peyote? When are our judges going to cease taking advantage of their powers and again hand down rational and practical interpretations of our Constitution? When will they once again, direct their logic toward the welfare of the community rather than to the individual offender?

Until the narcotic laws are made uniform and the Constitution is one day again interpreted as an instrument for the welfare of society in general, we will continue to be engaged in a never ending war against the evils of the narcotic traffic. ★★★

SUCCESS GUIDE

Following is Marshall Field's famous list of 12 things to keep in mind to help you become successful:

The value of time.
Th success of perserverance.
The pleasure of work.
The dignity of simplicity.
The worth of character.
The power of kindness.
The influence of example.
The obligation of duty.
The wisdom of economy.
The virtue of patience.
The improvement of talent.
The joy of originating.

Contract Law Enforcement

An Answer to the Problem of Metropolitan Police

By Howard H. Earle

ABOUT THE AUTHOR: *Captain Earle joined the Los Angeles County Sheriff's Department in February 1951. During the Korean Police action, he served as a training officer at Fort Sill's Officer Candidate School. Returning to the Sheriff's Department in 1953, he saw service as a Deputy in the Corrections and Patrol Divisions. Raised to Sergeant, he was assigned to the Patrol Division, and remained there after his promotion to Lieutenant for eight months. He then spent two and one-half years as Commander of the Los Angeles Sheriff's Academy. He was promoted to the rank of Captain in September 1960, and now commands the Sheriff's Information Bureau.*

Educationally, he holds Bachelor of Science and Master of Science degrees from the University of Southern California, majoring in Public Administration. He is on the teaching staff at East Los Angeles College, but still attends college himself, working toward the doctorate. It is interesting to note in passing that his Master's Thesis on Contractual Law Enforcement Services, *was published and is available through the University of Southern California.*

The traditional form of democratic government of our nation, coupled with the sincere and dedicated advocates of the principle of Home Rule, create formidable barriers to the establishment of metropolitan government anywhere. It is termed contrary to the traditional separation of powers, as well as the concept of limited centralization of authority.

Yet, Metropolitanism is upon Los Angeles County! The report of the Governor's Commission on Metropolitan Area Problems clearly indicates that present confusion and duplication will soon become chaos, even anarchy, unless immediate remedial action is taken. The Commission's December 1960 report advocates, among other things, "the formation of metropolitan area multipurpose districts."

Whether this comes about, indeed, whether this is the answer, only time can tell. But, it bears out the findings made almost ten years ago in the Haynes Foundation Report on Law Enforcement in Los Angeles County, that the system then and now in effect must be altered, and that, "consolidation should be extended as far as possible."

CONTRACT LAW ENFORCEMENT

On April 16, 1954, Lakewood became the first city in Los Angeles County—perhaps the first city in history—to contract with the County for *all services.*

Since then, the Los Angeles Sheriff's Department has undergone one of the greatest transformations ever to pervade the field of law enforcement —a change designed to allow home rule, and metropolitan law enforcement, as two all-important elements of the same program. The system is known as Contract Law Enforcement, and it has so many salient aspects that this article can but touch upon the highlights of the system.

Throughout this report, the phrase "Contract Law Enforcement" will indicate the system by which the Los Angeles County Sheriff's Department provides total law enforcement services, or certain specified portions of service in law enforcement to incorporated cities within Los Angeles County, by contractural arrangement.

The simplest manner in which to present a picture of the system sounds facetiously complex: Take the most heavily populated county on the face of the globe, disect it with seventy-two communities with no particular reference to residential, industrial or ecological integrity, then try to police it!

Forty-eight local cities maintain their own police departments, while the remaining twenty-four utilize the services of the Sheriff. The theme of the police problem for Los Angeles County appears to be unprecedented growth, inherently honest law enforcement, and an ominous and insidiously menacing crime problem that recognizes not a single geographic boundary.

Let me illustrate the problem: Imagine a bank robbery occurring in an eastern sector of Los Angeles County; a 65-mile trip accomplished in one hour, at legal road speeds on the freeway to International Airport; a five-hour plane flight, and our criminal or criminals are in New York City! Their plane flight crossed several states without great possibility of detection—but their one-hour car trip traversed *thirteen policing jurisdictions*! Under the present arrangement most law enforcement agencies concerned were unaware of the robbery until long after the culprits had entered and left their boundaries. The need for a centralized operation, with localized responsiveness, becomes readily apparent.

WHY CONTRACT LAW ENFORCEMENT?

At this stage of its development, one can only hazard a guess as to what will occur in the field of law enforcement to protect the over six million residents of Los Angeles County. The county gains 600 new residents each day—enough to fill a city the size of the State Capitol each year!

Contract law enforcement was developed because many administrators felt there was a need to retain local control of geographical segments of the Los Angeles Metropolitan area, while at the same time they acknowledged the necessity of administering

Address: Capt. Howard H. Earle, Commander, Sheriff's Information Bureau, County of Los Angeles, Office of the Sheriff, Hall of Justice, Los Angeles, California.

Sheriff Peter J. Pitchess confers with officials from Los Angeles County's newest (seventy-first) city, Cudahy.

to the crime problem through a government entity serving the entire area. From the local viewpoint, the advantages of such a system are numerous, but the two most important features are:

1. Consolidation of all overhead expenditures, with a corresponding reduction in costs of providing police services.
2. The necessity of maintaining only a minimum level of police service for ordinary conditions, because of immediately available backup strength provided by the central department.

The Contract Law Enforcement System of Los Angeles County is the largest application of city-county police cooperation in the United States. This is pointedly brought to mind when we consider that today, one out of every four persons receiving law enforcement services from the Sheriff of Los Angeles County is a resident of an incorporated city!

Scope of Operation

The Department—one of the ten largest police agencies in the United States—is staffed by over 4,200 police and civilian personnel, and operates on an annual budget that exceeds $30,000,000 a year; it offers the highest type of professional law enforcement to over 1,600,000 citizens, 480,000 of whom reside in contract cities. These cities have a total area of 117.4 square miles (the Sheriff's Department polices over 75% of the total geographical area of Los Angeles County).

The Department is decentralized, with thirteen Sheriff's Stations located throughout the County, each operating its own twenty-four hour radio car patrol service, along with detective and juvenile units to serve unincorporated communities and contract cities. The Department is divided into seven major divisions, each headed by a chief who is responsible to Sheriff Peter J. Pitchess and Undersheriff Harold C. Marlowe, for the division's activities. These divisions are Detective, Patrol, Administrative, Technical Services, Civil, Jail, and Corrections.

ADVANTAGEOUS FEATURES OF THE CONTRACT SYSTEM

Clearly, the greatest single advantage of contractual law enforcement is that the Sheriff is able to provide professional, specialized services, administering to the overall crime situation, yet adaptable to meet the needs of any local community. Unfortunately, confusion reigns supreme when the layman resident of a contract city is told that but one—or two—or "x" number of radio cars are needed to provide adequate protection for his community. This is the result of the use of the radio patrol car as the unit of measurement: the yearly cost for one radio patrol car unit is $78,400. But this tells only a fraction of the story, because the $78,400 includes the fully equipped unit, one deputy during the daytime and two deputies during both the evening and early morning hours; and it provides for the unit's operation twenty-four hours a day throughout the entire year. The price also covers prorated costs of other departmental services and operations including Investigation, Crime Prevention, Vice Law Enforcement, Records, Custody, and Laboratory. These additional services are available and rendered as needed.

This patrol unit's striking power might best be compared to that of a military task force: each ship—plane—or unit is in action as the result of ceaseless effort on the part of countless backup personnel; and when assistance is required, it is and must be, available at an instant's notice. This pooled, reserve strength is a feature which no individual department can afford to maintain; thus the service of a far more substantial striking force is available to the individual contract city, than would be the case if they were to maintain a local force.

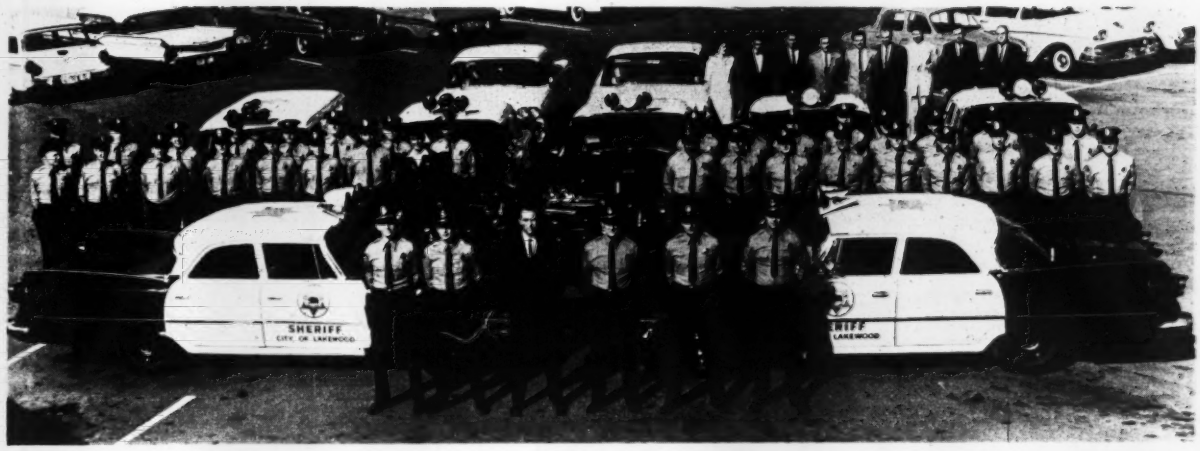
Some of the other key factors of contract law enforcement services that are available to these cities are discussed in the next few paragraphs.

Specialized Services

The extensive and varied services provided by the Los Angeles County Sheriff's Department are equal to those of the finest police organization. The Department was described recently by a noted authority as, "one of the few really top-notch county police forces in the United States."

Communications

This can be illustrated by the Communications Network. It is an invaluable instrument in effectively controlling criminal operations; it facilitates immediate and area-wide trans-



The STRIKING POWER of Patrol Units assigned to each Contracting City must be seen to be appreciated.

mission of All Points Bulletins to enable the capture of suspects. In other regions, departments must engage in time-consuming communication with other police agencies to effect any form of coordination of effort in dealing with their criminal situations. Immediate access to central records allows the Sheriff's Department to concern itself with each contracting city, as well as the overall crime problem.

Special Enforcement Detail

The backup strength supplied by the highly effective Special Enforcement Detail enables the Sheriff's Department to saturate any given area of disaster or emergency. This is a provision of the Los Angeles County Sheriff that cannot be offered by municipal departments. *S.E.D.* is a uniformed unit, strategically headquartered in metropolitan Los Angeles. It can serve any Sheriff's Station in the County, that requires a selective type of enforcement, without depleting normal police strength assigned to the incorporated and unincorporated communities. This unit is highly mobile and operates with sixty assigned personnel, forming the nucleus of twenty-five patrol cars, a mobile command post, mobile kitchen, trucks, and other special equipment. *S.E.D.* handles incidents of a police nature, ranging from major disaster to other special crime problems concentrated within a given area. This unit regularly functions within our contract cities.

Sheriff's Academy

The individuals in an organization reflect the efficiency of their selection and training. Selection standards for the Los Angeles County Sheriff's Department are in keeping with the overall departmental objective: Professional Law Enforcement. During a four-month period in 1959, approximately 4500 persons applied for the position of Deputy Sheriff. After screening of application blanks, written examinations, oral interviews, medical checks, background investigations and attitude evaluation by the Sheriff's Academy, only 125 (2.8%) were left!

The 713 hour Recruit Training Program of the Sheriff's Department is the finest available. It is a professional undertaking; it must be, to fulfill the needs of a department with over 500 college graduates. The Cadet Stress Training Program, as well as the seventeen In-Service Programs conducted by the Academy, are being studied by professional law enforcement officials throughout the country. Many progressive departments have introduced these training and selection concepts into their programs.

Traffic Control

Certain specialized departmental functions, such as traffic may not require around-the-clock services of the Sheriff. Annual charges for a one-man car, a two-man car, and a three-wheel motorcycle for parking law enforcement are considerably less than the price indicated above.

Initial Expenditures

It should be noted that no initial cost outlay is necessary for a contracting city as would be the case if a city police department were established. In the latter instance, it also becomes necessary to maintain a physical plant and auxiliary units.

Police Effectiveness

Coordination of police efforts by a central administration creates a unity of action which facilitates overall effectiveness in dealing with Los Angeles' crime problem. Contract law enforcement provides this centralization to one-third of the cities in Los Angeles County. It is accomplished through a *Service*—not a "sales"—organization; however, the Los Angeles County Sheriff's Department does stand ready, on request, to provide professional law enforcement services to any area of Los Angeles County.

Diversity of Assignment

A large organization offers its personnel varied work opportunities. The Los Angeles County Sheriff's Department's seven major divisions, provide this attractive aspect to its personnel. This is conducive to indi-

Take the most heavily populated county on the face of the globe, dissect it with 71 communities, with no particular reference to residential, industrial or ecological integrity, then try to police it!

vidual effort for top performance, efficiency, and advancement. In turn, it fosters a morale situation which, by its very nature, is transmitted to the citizenry in terms of attitude, cooperation, spirit, and individual personal proficiency.

Should an individual officer be unsuited for a given area, he may be moved to another, more suitable assignment. Thus, we have found that the contract law enforcement system offers an advantage the contract city would be unable to provide with too limited and fixed a police personnel complement.

Unity of Action

Policies and field operations predetermined by a central organization create a unanimity of police philosophy and purpose. The primary police function—the protection of life and property—is best accomplished by exerting a coordinated effort against the criminal element, who observe no boundaries.

Uniformity and consistency in handling police incidents by field personnel are governed by departmental policy and field procedures. Sheriff Peter J. Pitchess and his staff provide professional coordination and direction for this operation. Their combined experience in law enforcement totals over 400 years. The seventeen senior staff officers have an average of twenty-three years in law enforcement; twelve have college degrees in police management and public administration; seven are graduates of the Federal Bureau of Investigation's National Police Academy (and one is presently attending).

In cases too numerous to mention, major crimes that have occurred within contract cities have brought forth the immediate response of veteran investigative specialists (in a recent instance, seventeen,), with the successful resolution of a case. In such instances, personnel from Patrol, Homicide, Narcotics, Vice, Burglary, Robbery and Identification Units have been effectively welded into a smoothly operating functional entity, to deal with the challenge of major crime.

RETENTION OF RESPONSIVENESS

Among proponents for Home Rule there appears to be an inherent fear of governmental centralization. From the police standpoint, this is overcome by contractual law enforcement. Personnel from unit commanders to members of the executive staff of the Sheriff are continually in conference with contract city officials relative to the law enforcement function. Conferences are, for the most part concerned with reviewing performance, implementing or modifying police records to assist city officials in preparing their reports, and augmenting policy services, through such media as periodic and necessary selective law enforcement programs.

The individual city is served by a metropolitan police agency administering to the overall crime problem, yet providing the finest type of localized services. The contract city official is able to make a telephone call, and bring the law enforcement services of the entire department into action. Only through contract law enforcement can each city maintain the minimum level of police personnel to deal with normal law enforcement activities, yet have at its fingertips, the ability to obtain the instantaneous action of a professionally organized metropolitan police agency.

The contract law enforcement system may be an ultimate or an intermediate governmental process. Regardless, it is of tremendous importance as Los Angeles becomes of age as a metropolitan area.

NOTE: *A complete account of* Contract Law Enforcement Services by the Los Angeles County Sheriff's Department *has been published by the University of Southern California, and is available through their bookstore, price $3.00.* ★★★

PARKING LOT MANUAL TELLS HOW TO AVOID PITFALLS IN PLANNING

Western Industries, Inc., has announced a new planning aid for city officials, and industrial management concerned with the parking problem.

The 1961 edition of a comprehensive, 40-page manual titled "How to Lay Out a Parking Lot" takes into account the dimensions of all 1960 and 1961 model cars, including the compacts which can be placed effectively in reserved areas.

Detailed sketches and photographs provide a variety of parking lot plans, including layouts for parking at 90-degree, 60-degree, and 45-degree angles, with recommended individual stall dimensions, aisle widths, and entrance and exits sizes.

For copies of "How to Lay Out a Parking Lot," write to Western Industries, Inc., Parking Gate Division, 2742 West 36th Place, Chicago 32, Illinois.

Fraudulent Automobile Insurance Claims

By N. Morgan Woods

ABOUT THE AUTHOR: *N. Morgan Woods was appointed manager of the Claims Bureau of the Association of Casualty and Surety Companies January 1, 1952.*

Mr. Woods joined the Association February 1, 1940 as special agent in the Atlanta Field Office of the Claims Bureau and was named special agent in charge of the St. Louis Field Office when it opened in 1941. Except for a three-year tour of duty as an officer in the United States Naval Reserve during the war, Mr. Woods served in St. Louis until taking the New York post.

From September 1935 to the time when he joined the Association he was special agent in the division of investigation of the Public Works Administration. Earlier, in 1934 and 1935, he served as special agent in the Federal Bureau of Investigation. Previously he had practiced law in New Orleans.

Mr. Woods was born in New Orleans, November 4, 1906. He was graduated from Tulane University with the degree of L.L.B. in 1926, and is a member of the Louisiana bar. He is married and has two children.

NOTE: *The Claims Bureau of the Association of Casualty & Surety Companies was established in 1938 by the Association for the capital stock company members. The Bureau's principal function is the investigation of fraudulent insurance claims.*

The unit is under the direction of N. Morgan Woods, who serves as its manager. His assistant is Robert W. Dick. Both men are former Federal Bureau of Investigation agents.

The Bureau maintains a staff of 40 investigators, almost all of whom are former F.B.I. agents. They operate from 10 field offices across the nation. Their offices are located in New York, Philadelphia, Atlanta, Miami, Cleveland, Dallas, Chicago, St. Louis, San Francisco and Los Angeles.

Adjunct to the services offered by the Bureau is an index system through which suspicious claims can be processed. The index is particularly useful in determining if an insured has been accumulating claims.

The primary areas in which the Bureau works are investigations of automobile, general liability and workmen's compensation fraud.

Address: N. Morgan Woods, Claims Bureau, Assoc. of Casualty and Surety Companies, 60 John Street, New York 38, New York.

In September of 1957 a cryptic letter relating suspicions of fraudulent accident claims in upstate New York crossed the desk of a claims man at the Albany, N.Y. office of a large insurance company. The note set the wheels of insurance investigation into action and bared a bizarre scheme which in two years had bilked insurance companies out of more than $50,000. Working on the scanty information supplied in the letter, an official of the insurance company paid the writer a visit. The insurance man was told that a Fort Edward, N.Y. car dealer, a Mr. Caputo, approached the informant seeking his aid in financing a car.

Caputo explained he wanted to buy cars in the winter when they were cheap and sell them in the summer when the price was higher. His only problem was the lack of capital, he said. Caputo suggested he use the informant's credit. Caputo said the car would be registered under the second man's name, but he would not take possession or pay any financing costs.

The informant told the insurance official he went along with the plan and a few months later was told "his" car had been in an accident. Caputo asked him to sign a statement of loss for insurance purposes. He complied. Although a payment of $2,600 was made by the insurance company, the alleged owner never saw the check or ever again had anything to do with the car or the claim. After thinking the matter over, he decided he had been drawn into a phony accident racket.

How right he was—Armed with this lead, the insurance company contacted the Claims Bureau of the Association of Casualty and Surety Companies in New York City. Robert W. Dick, assistant to the manager and a former F.B.I. man, was put on the case and two special agents were assigned to investigate.

For the first seven months of the investigation Special Agents William F. Murphy and Thomas F. Kane of the claims bureau along with Dick and Special Agent in Charge of the New York Field Office, Frank A. Muscolina, conducted a relentless investigation of all the facts. When they were sure they had a criminal case on their hands Dick contacted David Glasheen, Deputy Chief Inspector of the New York State police. A meeting immediately was set up in Albany and within hours after the facts had been outlined to Glasheen, Kane and Murphy were conferring over lunch with Inspector Harry Sanderson in Troy.

State Troopers Henry McCabe and William Kiernan were assigned to the case and the prosecutors' office in Washington County was contacted. The law enforcement groups worked in close cooperation to tie all the loose ends in their efforts to build an air tight case for the prosecution.

Operating in teams of two, a state trooper and a special agent, the man set out to interrogate every person who had been involved in what might have been a phony accident claim. A definite pattern pointing to a fraudulent auto accident ring soon devel-

Automobiles shown in these photos had been purchased by the Caputos as wrecks and then sold "on paper" to conspirators. Later they would be reported damaged in an "accident" and insurance claims would be paid.

oped. The basic elements were as follows:

The accidents always involved a single car which skidded on icy or rain soaked highways or swerved to avoid hitting another car and then crashed into a pole, tree or protective guard rail. All damaged cars found their way to a Caputo owned repair shop. There were never any bodily injuries reported even though the cars were severely damaged as a result of the alleged crashes. None of the accidents were reported to the New York Motor Vehicle Department.

The investigators worked at an untiring pace for more than two years. They followed up every lead and checked into every tip. Their efforts bore fruit. In October of 1958 the Washington County grand jury indicted 24 persons and 5 other indictments were handed down in two other New York State counties. Twenty-two defendants ultimately pleaded guilty and were sentenced for their parts in the fraudulent accident ring. Spurred by their early findings, the investigators continued collecting scattered pieces of information and when they fell neatly into place, a fantastic picture of a master crime ring took shape.

It all started in the criminally orientated minds of the Caputo brothers Henry and Charles, and was nurtured by the greed and often naive culpability of the co-conspirators. The Caputos were evidently able to sell the scheme on the basis that it was foolproof. Actually, it was a plan designed for fools.

Those who either willingly or unwittingly were duped into taking part in the nefarious plan ended up with only a few crumbs. Their payoff ranged from a free paint job on a car to payments of $100 or $200 for willingness to sign false financing papers and proof of loss statements.

The Caputos went into action in 1956 when Joseph Verner Riley, an independent adjuster, arrived in the Ft. Edward area from his native Pittsburgh. Riley, a former naval flier, married and the father of 3 children, met one of the Caputos shortly after moving to Glen Falls, N.Y. Between them they hatched "the get rich quick scheme."

Riley, however, proved to be dissatisfied with the phony car accident racket as his only means of extra money and while he was working with the Caputos he took one of the accident conspirators with him to Pittsburgh where they participated in an armed hold-up of a savings and loan company there. The crime, which had been unsolved and was open in the books of the Allegheny County Prosecutor's office, was brought to light during the fraud investigation. Confronted with overwhelming evidence in both the accident charge and the hold-up, Riley agreed to cooperate fully with authorities.

In sworn testimony, he detailed the operation of the ring. "Our scheme or plan for the fraudulent claims was as follows: The Caputos would sell a person, on a 'paper deal,' a car already wrecked, and finance it through one of two banks in Glens Falls and possibly other banks, as a good operational car. The owner would acquire insurance and later an accident involving this car would be reported, although in fact its owner had not been involved in such an accident. The owner would execute a proof of loss containing false information and the Caputos would furnish an estimate based on the previous original damage. In cases involving large or total losses, either one of the Caputos or myself furnished pictures of the wrecked car. In due course, drafts were issued for the amount of the alleged or fraudulent loss. I received 25 per cent of this amount of the alleged loss — I was paid in each instance in cash. I never knew, nor did I ever inquire of the Caputos, how much of their share was paid to the 'phony or false owners' or others involved necessary to make this claim or conspiracy work. The Caputo family was particularly well equipped to go into this sort of business. Among them, the Caputos owned a new and used car lot, two repair garages, an auto wrecking yard, an insurance agency and the wife of one of the Caputos was a Notary Public. Together with this, the Caputos owned a bar in Fort Edward where many of the phony car owners were initially contacted. This was accomplished by a bartender there whose brother was the service manager at the Caputo garage. When he heard

one of the bar customers talk about needing money, he would steer them to his brother or one of the Caputos."

Those who joined in with the Caputos and Riley were for the most part honest people, family men with responsibilities but short of money. In subsequent statements to the prosecutor's men and the investigators, they admitted knowing they did wrong but were convinced by the Caputos they couldn't get caught.

It was through one of these conspirators, a Stanley Randall, that the Pittsburgh bank job was uncovered. Randall had turned in a false claim and while being interrogated by a Special Agent and Trooper, turned to the men and said: "I have something else to tell you." He then poured out the story of the Pittsburgh job. Randall, who was in his early 20's then, had taken in Riley as a lodger when the adjuster first came to the Washington County area. From there the relationship blossomed into one of crime.

The principals in the fake accident ring were all sentenced to jail terms. Riley and Randall were given additional terms in Federal prison for their part in the Pittsburgh stick-up. The co-conspirators, whose rewards as we noted earlier were slight, escaped with suspended jail sentences and fines. For their venture into crime they found little that would ever again tempt them.

While this case was more spectacular than many of the others being daily investigated by special agents working with the insurance companies, it offers a graphic example of what problems the insurance companies, law enforcement and the public face in combating fraud.

The loser in crimes such as this is not only insurance companies. Insurance companies only operate with the premiums paid by the public and those premiums must increase in cases where this sort of fraud exists. Protection for the public through investigations of fraud, is a necessary public service and one that can only succeed with the continuing support and cooperation of all law enforcement agencies and especially of the public itself. ★★★

INTERESTING OBSERVATIONS ON NATIONS HIGHWAY SAFETY RECORD

A report from the oldest and one of the largest automobile insurance companies in the United States contains some interesting observations on the nation's highway safety record.

The Travelers Insurance Companies of Hartford, Conn., in its annual tally of highway casualties, says: "We have long contended that the total number of casulaties rather than the number of deaths should be the criterion by which we should judge the seriousness of this situation."

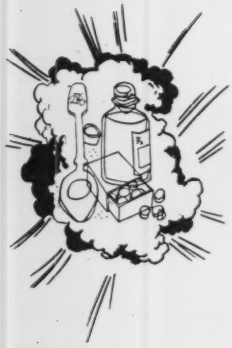
Supporting this statement is the staggering count of more than 3,000,000 persons injured in highway accidents last year, an increase of more than seven per cent over a year ago.

Deaths increased during the year by one per cent with 400 more reported than in 1959. There were, however, 208,000 more injuries than was the case a year ago.

The Travelers report continued: "Thus, while deaths from motor vehicle accidents remain fairly stable, within a few hundred each year, injuries continue to mount with alarming rapidity, topping 3,000,000 annually for the first time in 1960."

"It must be remembered," says the report, "that the apparent leveling off of the number of deaths has come about, not because of motorists but in spite of them. More than 80 per cent of personal injury accidents still involve driving violations and the fact that deaths have not risen sharply in recent years is due largely to better and more prompt medical care rather than care on the part of the drivers."

"What are you crabbing about? I didn't pass the truck on a curve, did I?"



A California Study of Relationships Between Drinking And Crime

By Rals Leven and Vincent Vandre

ABOUT THE AUTHORS: *Mr. Leven received his B.A. degree from the University of California in 1954, and continued with graduate work in psychology and staff work at the Institute of Personality Assessment and Research. The author has been employed four years by the California State Department of Public Health. He is an Associate Social Research Technician and is currently a Study Supervisor in the Division of Alcoholic Rehabilitation.*

Mr. Vandre is a former newspaper reporter and editor, having worked in California and Oregon. He later became Public Information Officer of the Alcoholic Rehabilitation Commission for the State of California. Mr. Vandre has been Editor of the California Alcoholism Review and Treatment Digest, *a bi-monthly publication of the Department of Public Health, since 1958.*

Journalistic accounts of law enforcement and correctional programs often report estimated statistics emanating from agency spokesmen who usually derive such figures from long experience with the programs. Their knowledgeable opinions provide stepping stones to well designed studies that make use of controlled observations.

One application of controlled observation, called the Alcohol Usage Study, is underway in California. It is part of larger studies of the conditions, events, or living situations that appear to be most closely related to certain forms of drinking behavior or history. The study is being conducted by research staffs of the California State Departments of Public Health and Corrections. The Health Department reported recently on a first stage of this joint inquiry into the association between actual or alleged drinking and penal code offenses.[1]

Address: Rals Leven, Vincent Vandre, State of California Dept. of Public Health, 2151 Berkeley Way, Berkeley 4, California.

The study population consisted of 2,325 newly committed male felons entering the Department of Corrections' Northern and Southern California reception-guidance centers between March and October, 1959. All adult male felons are screened at these centers prior to incarceration in one of the State's prisons.

Questionnaires were administered by 32 Correctional Counselors as the felons arrived at the centers. A summary of preliminary findings from the first analysis of collected data disclosed that:

> Ninety-eight percent of the respondents had used alcoholic beverages.
> Eighty-eight per cent of those who used alcoholic beverages had been intoxicated at some time.
> The median age at the time of first alcoholic drink was 16.6 years; at time of first intoxication, 17.4 years.
> Per cent in each age group who had been intoxicated decreased with age at time of first drink. Of those who had had their first drink under age fifteen, 95 per cent had been intoxicated at some time, while of those who had had their first drink at age twenty-five or older, sixty-one per cent had been intoxicated.
> Twenty-nine per cent of those who drank claimed they were intoxicated at the time they committed the offense for which they were sent to prison. The proportion who had been intoxicated varied with the type of crime committed, from the high of 50 per cent for auto theft to the law of 10 per cent for narcotics offenses.

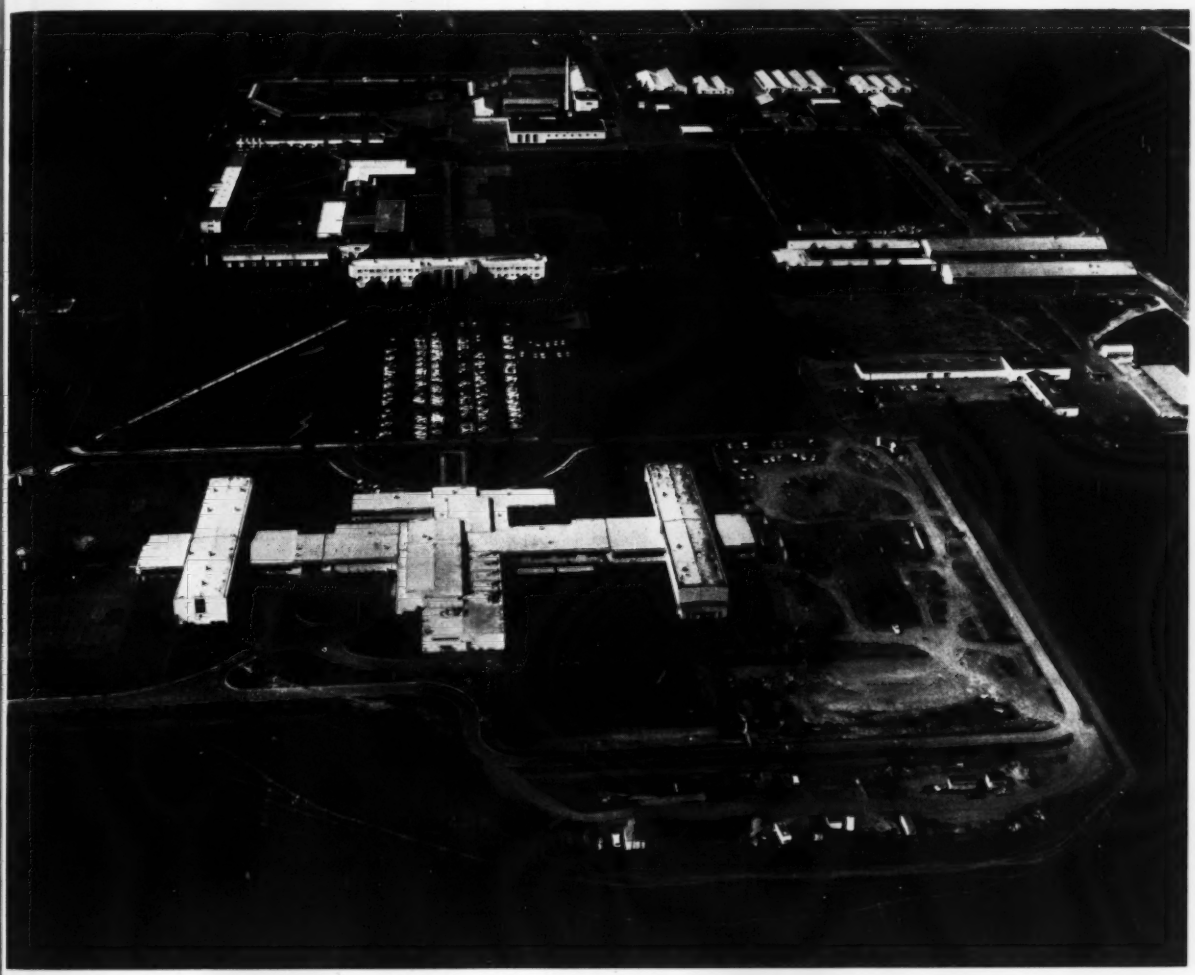
These findings are important because they provide a broader base for alcoholism research, which is less than two decades old. With such controlled studies, information based on educated guesses, commercial market surveys, speculations and estimations is supplanted by quantified and verifiable experience. The findings will be discussed further, after a description of the design and operation of the study and a report of selected analyses focused on the major points of interest.

The literature of both alcoholism and criminology emphasizes that crimes of many types are committed by persons who are under the influence of alcohol. Certain categories of crime, such as forgery and bad checks, often are said to be more related to alcohol usage than are other criminal categories.

The Alcohol Usage Study was designed as the first stage of an investigation into the relationship between alcoholic beverage use and crime. The initial purposes were: 1) to explore the relationship between alcoholic beverage usage and criminal code offenses, and 2) to investigate the drinking involvement of prisoners at the time the present offense was committed.

A precoded, eight-item questionnaire was designed and pretested by the Division of Alcoholic Rehabilitation and the Department of Corrections. The revised form was administered at the northern reception-guidance center (California Medical Facility, Vacaville), which receives from the court and screens all convicted felons sent to State prisons for crimes committed north of the Tehachapi Mountains; and the southern reception-guidance center (California Institution for Men, Chino), which serves a similar function for the southern part of the state.

Interviewing began at Vacaville in March, 1959, was extended to Chino



California Institute for Men, Cheno, California (California State Department of Corrections).

in May, and was concluded at both facilities in October, 1959. Of the 2,325 prisoners in the study, 1,034 were from Vacaville and 1,291 were from Chino. Six interviews were excluded for various reasons, e.g., the prisoner was too sick to be interviewed, the questionnaire was not completed, inconsistent responses were given, or the prisoner did not fulfill the requirements of the study.

As with most exploratory studies, the following data are descriptive, not explanatory. The study population was large but represented only about 13 per cent of the 18,211 male inmates in California correctional institutions at the end of the study period. Only cautious and limited inferences can be made about the entire institutionalized population from which this study group emerged. Without comparative socio-economic and other desired information, speculation about the meaning of findings (which may not be uniquely characteristic of the study population) is precarious.

Analysis of the questionnaire items showed that of the total group of respondents, 97.6 per cent said they had used alcoholic beverages. Excluding the fifty-six respondents who never used alcoholic beverages, 53.2 per cent of those who drank had their first drink (not taste or sip) between the ages of fifteen and twenty. The average age at time of the first drink was 16.6 years.

Of those who drank, 87.8 per cent had been intoxicated at some time; 55.9 per cent of those who had been intoxicated were intoxicated for the first time between the ages of fifteen and twenty—the median was 17.4 years.

Half of the respondents who drank claimed they were drinking before they were involved in the crime for which they were sent to prison.

Over half (51.6 per cent) of the respondents who drank had been arrested for intoxication at some time, and about a quarter (26 per cent) of them had been in some kind of accident after they had been drinking. However, less than a third (29.8 per cent) felt the use of alcohol had been a problem in their lives and only a few (6.4 per cent) had been treated or hospitalized for a drinking problem. Nearly all (91 per cent) of the

California Medical Facility, Vacaville (California State Department of Corrections).

respondents who had been treated or hospitalized for drinking felt the use of alcoholic beverages had been a problem.

There appeared to be an inverse relationship between the age at the time of first alcoholic drink and the proportion of those in the age group who had ever been intoxicated. More than 90 per cent of those who had their first drink under the age of fifteen had been intoxicated, while only 50 per cent of those who had their first drink between ages twenty-five and thirty had been intoxicated. This relationship began anew and repeated itself with age groupings over thirty, but the numbers of individuals in these older age groups were small in this prison population and no definite conclusions could be drawn. The finding suggests that the younger the age at time of first drink, the greater the likelihood of becoming intoxicated at some time. This appears to be true through the age of thirty, but the finding is only suggested and will have to be verified through further research.

The data were also analyzed to ascertain the number of felons in each criminal classification who reported they had been drinking before they were involved in the crime for which they were sent to prison, the percentage who reported they were drunk at the time they committed the crime, and the percentage of those who said the use of alcoholic beverages had been a problem in their lives. The highest percentage (65-70) of those who reported they drank before the crime was in the classifications of murder, manslaughter, assault and auto theft; the lowest reported percentage (27) was from the narcotics offenders.

The percentage of those who reported they were intoxicated at the time of the crime was highest (50) in the classification of auto theft, and lowest (10) in the classification of narcotic offenses.

The highest percentage (41-43) of those who reported alcohol had been a problem in their lives was in the classifications of auto theft, forgery and bad checks; the lowest (15), narcotic offenses.

The Alcohol Usage Study also included demographic and background data such as age, race and marital status; commitment information such as offense, prior jail and prison commitments and escape record; and other pertinent information such as mental status, educational grade placement, narcotic history and military discharge information. This information will be analyzed and presented in a complete report on this study.

The preliminary study findings showed that alcoholic beverage usage in this population of felons is considerably greater than it is among males in the adult United States population. Ninety-eight percent of the study population reported the use of alcoholic beverages, while usage in the United States population of males 21 years of age and older is estimated at 70 percent. The finding that most (88 percent) of the felons who used alcohol had been intoxicated at some time seems self-evident, but quantification of this event had not been previously documented in a prison population.

A more than superficial association between drinking and crime is demonstrated by the finding that one-half of the study population reported drinking prior to the crime for which they had been arrested, and that more than one half of these reported that they were intoxicated at the time they committed a crime. (The extent to which these statements may be defensive is undeter-

OFFENSE	TOTAL NUMBER OF OFFENSES	DRANK BEFORE CRIME		INTOXICATED AT TIME OF CRIME		USE OF ALCOHOL A PROBLEM	
		Number	Percent	Number	Percent	Number	Percent
Total Offenses	2,325	1,168	50.2	659	28.3	675	29.0
Murder & manslaughter	74	52	70.3	28	37.8	22	29.7
Robbery	338	207	61.2	106	31.4	90	26.6
Assault	69	45	65.2	26	37.7	25	36.2
Burglary	470	245	52.1	142	30.2	121	25.7
Theft (except auto)	139	56	40.3	29	20.9	33	23.7
Auto theft	97	63	64.9	48	49.5	42	43.3
Forgery and checks	444	252	56.8	155	34.9	181	40.8
Sex offenses	144	87	60.4	54	37.5	49	34.0
Narcotic offenses	401	107	26.7	39	9.7	59	14.7
Other offenses	149	54	36.2	32	21.5	53	35.6

mined; one method of testing their validity would be examination of the reports of arresting officers in cases where the arrest was made at or immediately after the time the offense was committed.)

The crimes (reported in this study) committed most often subsequent to or contiguous with drinking are homicide, assault and auto theft. These offenses involve a high degree of personal, immediate risk. In contrast, the crimes most often committed by those who reported that alcohol had been a problem in their lives were forgery and bad checks and, again, auto theft. These offenses seem to be more associated with economic gain than with daring behavior, although auto theft warrants special comment.

Auto theft appears in both types of crimes, the daring and the economic gain. There is some reason to believe that theft of automobiles occurs for just these reasons—either for joy-riding, show of courage, going along with the gang, or the immediate or instrumental achievement of money. The results of anticipated analyses dealing with individual motives for the theft, related to age of the criminal, might prove rewarding.

Although almost 30 percent of the population claimed the use of alcohol had been a problem prior to incarceration, only 6.4 percent had been hospitalized or treated for a drinking problem. This finding suggests that the correctional facilities which receive these offenders are in a unique position not only to uncover but also to treat a number of problem drinkers who, prior to incarceration, had never been medically attended for their drinking problems.

Many data have been collected and tabulated and, in this report, preliminary findings have been set forth. Further analysis will be made with critical variables such as age, race and other socio-economic information controlled. Adding incarcerated females and juvenile males to the study population is a future study objective, as is the collection of information about the "normal population."

The Alcohol Usage Study, first of its kind to be conducted in the State of California, is directed toward replacing opinions with findings by actually measuring the amount of association between criminal offenses and drinking involvement. No contrasts or comparisons to other findings are offered because similar studies are rare.

REFERENCES

[1]*Criminal Offenders and Drinking Involvement*, Publication No. 3, Alcoholism and California, Division of Alcoholic Rehabilitation, California State Department of Public Health, Berkeley, California, 1960.

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KEELER POLYGRAPH INSTITUTE GRADUATES CLASS

The second session of the Keeler Institute this year has now graduated. These nine men are graduates of a starting class of sixteen that began April 17 and graduated May 26. The student identities are as follows:

STANDING, LEFT TO RIGHT: Truman F. Thorson, Jordan Service Company, Chicago, Illinois; Thomas H. McNaughton, Department of Police, South Bend, Indiana; Larry J. Dow, Sheriff's Department, Salt Lake City, Utah; Russell F. Pinsoneault, Sheriff's Department, Kenosha, Wisconsin.

SEATED, LEFT TO RIGHT: Joseph A. Labbe, Department of Police, Portland, Maine; Spencer W. Lemon, Sheriff's Office, Parowan, Utah; Gerald T. Lawson, Sheriff's Department, Cincinnati, Ohio; Edward L. Wright, Jr., Department of Police, Montgomery, Alabama; Herbert W. Vogel, Sheriff's Office, Cincinnati, Ohio.

Communism Mimics Capitalism

By John Drzazga

About the Author: *Sgt. Drzazga retired from the N.Y.P.D. in 1957. He is the author of "Sex Crimes" published by Charles C Thomas. Lotteries are forbidden or restricted in all jurisdictions, but, foreign lottery schemes will appear, especially in the larger cities, and some may escape being identified because they are printed in a foreign language which may be strange to the average police officer. Among the various assignments, the author had also been assigned to the enforcement of gambling violations, and had qualified as an expert on gambling violations in courts having jurisdiction of such offenses. (Article on German lotteries appeared in July-August, 1957 issue of Police.)*

International Communism while condemning everything capitalistic, does not hesitate to adopt the methods used by the capitalistic nations for revenue raising purposes to bolster its own economy. Nations whose form of government is organized pursuant to the Marxist ideology and is incompatible with that of non-communist nations, have been very quick in adopting various revenue schemes as a means of perpetuating themselves.

Philately is one of the means used. The U.S.S.R. in the thirty-seven years of its existence had issued over 2,000 postage stamps while Czarist Russia had issued only approximately 200 different stamps in sixty-three years. The United States with its recent spurt of philatelic activity had issued approximately 1,100 different postage stamps. Communist Russia had issued more postage stamps than any other nation in such a short period of time. The stamps are usually large in size and colorful enough to attract the juvenile philatelists. That is the Soviet means of snatching candy from a baby! East Germany, Red China, and other Communist dominated countries have followed suit. Nearly all of the countries in the Communist block, permit the exportation of their philatelic merchandise, but prohibit or restrict the importation of such merchandise from other countries. Rumania had recently overprinted stamps of a recent issue for foreign consumption, and the prices for the overprinted issues are approximately double the nominal value of the basic stamps when computed at the official rate of exchange. This issue appears to have been produced exclusively for retail in the United States, as *Cartimex*, the State Trading Organization did not announce this issue.[1]

Lotteries had also been adopted by the Communist countries as a means of revenue. A lottery is a species of gambling.[2] Statutory definitions of a lottery are found in every jurisdiction and seldom vary in substance.

A lottery is a scheme for the distribution of property by chance, among persons who have paid or who have agreed to pay a valuable consideration for the chance, and the name by which this scheme is known is immaterial. The three essential elements of a lottery are: Consideration, chance and prize.[3]

A lottery ticket is any device whatsoever by which means money or any other thing of value is to be paid or delivered on the happening of an event or contingency in the nature of a lottery.[4]

Lotteries of the Communist dominated countries usually escape detection as all matter concerning such lotteries is printed in a foreign language which very few law enforcement officers understand, and far less can qualify in court as being competent to translate any such matter or as experts on foreign gambling schemes. If they are familiar with the appearance of such foreign lottery tickets and the operation of the lottery, the difficulty encountered in translating the language can be overcome by the use of an interpreter. Such lotteries occasionally appear in neighborhoods populated or visited by immigrants or descendants of a country where such lottery originated. Such tickets often can be purchased in bars, social clubs, veteran clubs, etc. This article is concerned with the gambling schemes which are common to Communist dominated Poland. Such lotteries and other forms of gambling which are popular in Poland may appear in areas populated or frequented by Poles, such as the Williamsburg and Greenpoint sections of New York City. These lotteries are not confined to any one city or community.

Although such gambling schemes are legal in Poland, they are illegal in the United States. The Central Committee of the Polish United Workers (Communist) party under the guidance of its First Secretary, Wladyslaw Gomulka, controls the economic policy of the nation, and such methods of raising revenue could not exist without the approval of the Central Committee.

Class lotteries first appeared in Poland on April 29, 1808. The present national lottery is operated by and under the supervision of the "Polski Monopol Loteryjny," an agency of the Polish government. There are four classes of drawings in each lottery and they occur on designated dates.

An example of this lottery, is the 1958 22nd National Money Lottery which was scheduled for four classes or drawings. The first drawing took place in May, the second in June, the third in July, and the fourth in August, followed by an additional jubilee drawing. A total of 146,000 tickets participate in each drawing or class, with 41,200 winners in each class, or a total of 164,800 winners for the four classes. The prizes included a premium of 500,000 zloty and totaled 22,425,600 zloty, which was 64% of the total amount wagered. The exact day and time of each drawing

Address: John Drzazga, 7400 Kessel Street, Forest Hills 75, N. Y.

A one-fourth share (part A) ticket in the 1958 National Money Lottery of Poland.

is set by the P.M.L. (Polski Monopol Loteryjny). The P.M.L. does not assume any liability as the result of any improper activities of the collectors, and any agreement between the purchaser and the collector is not binding on the P.M.L.

In each class, each ticket is assigned a number, starting with 1 and ending with 146,000. Each chance is divided into four parts, designated as A, B, C, and D. Each ticket or chance represents a one-fourth share in such ticket or chance. The talon or stub of each ticket bears the same number as the ticket.

A full ticket or chance is sold for 60 zloty, while one-fourth share in a ticket is sold for 15 zloty. At the current rate of exchange 5¢ equals one zloty. The sale of such tickets at a price above the face value or under any terms not designated by the P.M.L. and without the consent of the P.M.L. is prohibited and punishable by a fine. The collector is forbidden to exact any fee above the purchase price, except postage if the ticket is sent through the mail. All such tickets are mailed at the risk of the purchaser, who is urged to advise the collector whether he desires such tickets to be mailed by ordinary or registered mail.

The ticket is good only for the designated days of the class drawing. The talons from all classes participate in a premium drawing if one is held after the class drawings. The collector is under no obligation to reserve ticket numbers which the player had in previous lotteries.

The drawings are held in Warsaw by the Government Drawing Commission (Urzedowa Komisja Ciagnien) and are open to the public. A delegate from the National Aid Presidium must also be present at such drawings. The commission inspects all equipment prior to the drawing, removes the official seals from the drum wheels, and reseals the drum wheels after the drawing.

The prizes in each class drawing which is spread over a four day period are:

Grand prize of	300,000	zloty.
1 Prize of	75,000	"
1 Prize of	50,000	"
3 Prizes of	30,000	"
10 Prizes of	20,000	"
20 Prizes of	10,000	"
50 Prizes of	5,000	"
125 Prizes of	2,000	"
640 Prizes of	1,000	"
1,241 Prizes of	400	"
4,168 Prizes of	200	"
34,940 Prizes of	60	"

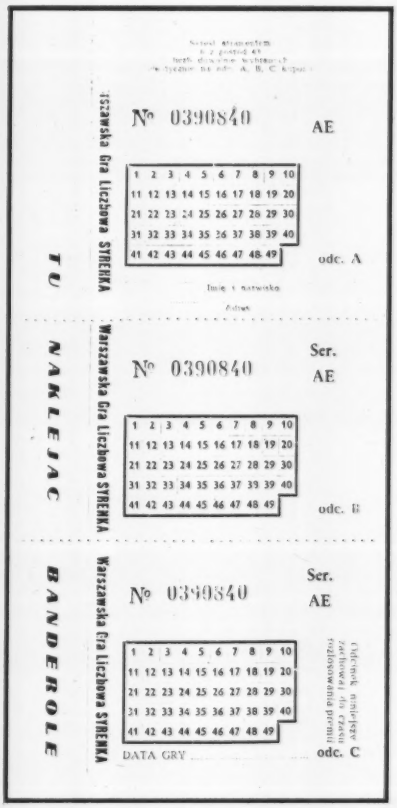
A total of 41,200 prizes amounting to 5,481,400 zloty.

The first number drawn in each class is awarded 50,000 zloty; the second 75,000 zloty; and the third number drawn the grand prize of 300,000 zloty. The last 34,940 prizes are based on the serial numbers which are drawn from a special wheel drum into which 100 scrolls bearing numbers 01 to 99 are placed, the number 100 being represented by 00. Twenty-five of these scrolls are then drawn. Tickets which had been awarded any of the previous prizes are not entitled to a prize of 60 zloty.

In the 22nd National Money Lottery, the Jubilee drawing occurred on August 22, 1958 in commemoration of the 150th anniversary of the class lottery in Poland. The Jubilee prize was 500,000 zloty. In order to win the full amount of the prize, a player would have to hold the winning ticket for each class or sixteen one-fourth shares.

A list of winners is published by the P.M.L. and may be purchased from the P.M.L. or any of the collectors at a designated selling price.

The payment of prizes is made after the publication of the list of winners. Prizes up to and including 400

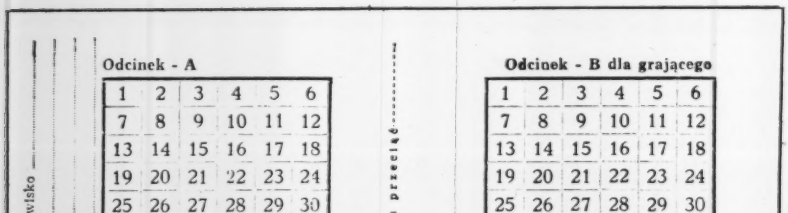


A Syrenka numbers game ticket. (Warsaw)

zloty are paid out by the collectors, and larger amounts by the P.M.L. Payment is refused on tickets which had not been stamped or validated by the collector. The winning tickets cannot be pledged or seized upon any execution prior to the payment thereon. The P.M.L. may withhold payment in the event of any doubt of the true ownership of the ticket, but, only where the purchaser gave his name and address at the time of the purchase of the ticket. Payment through the mail is at the expense of the winner and all tickets so submitted are sent at the winner's risk. All claims for payment must be made within the statutory period of four months from the day of the last drawing. No claims made under a lost or destroyed ticket are recognized.

The P.M.L. maintains offices at No. 12 ulica Swietokrzyska, in the City of Warsaw.

Another national lottery is the TOTO-LOTEK. This is a more


Imię i nazwisko

Adres:

Odcinek - A

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

tu przeciąć

Odcinek - B dla grającego

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

1. Przekreślić atramentem dowolnych 7 rowych liczb na odcinku A i B znakiem X.
2. Złożyć kupon w punkcie odbioru

Miejsce na naklejenie znaczka kontrolnego

Kupon bierze udział w grze najbliższej niedzieli pod warunkiem złożenia go w terminie ustalonym dla danego punktu odbioru

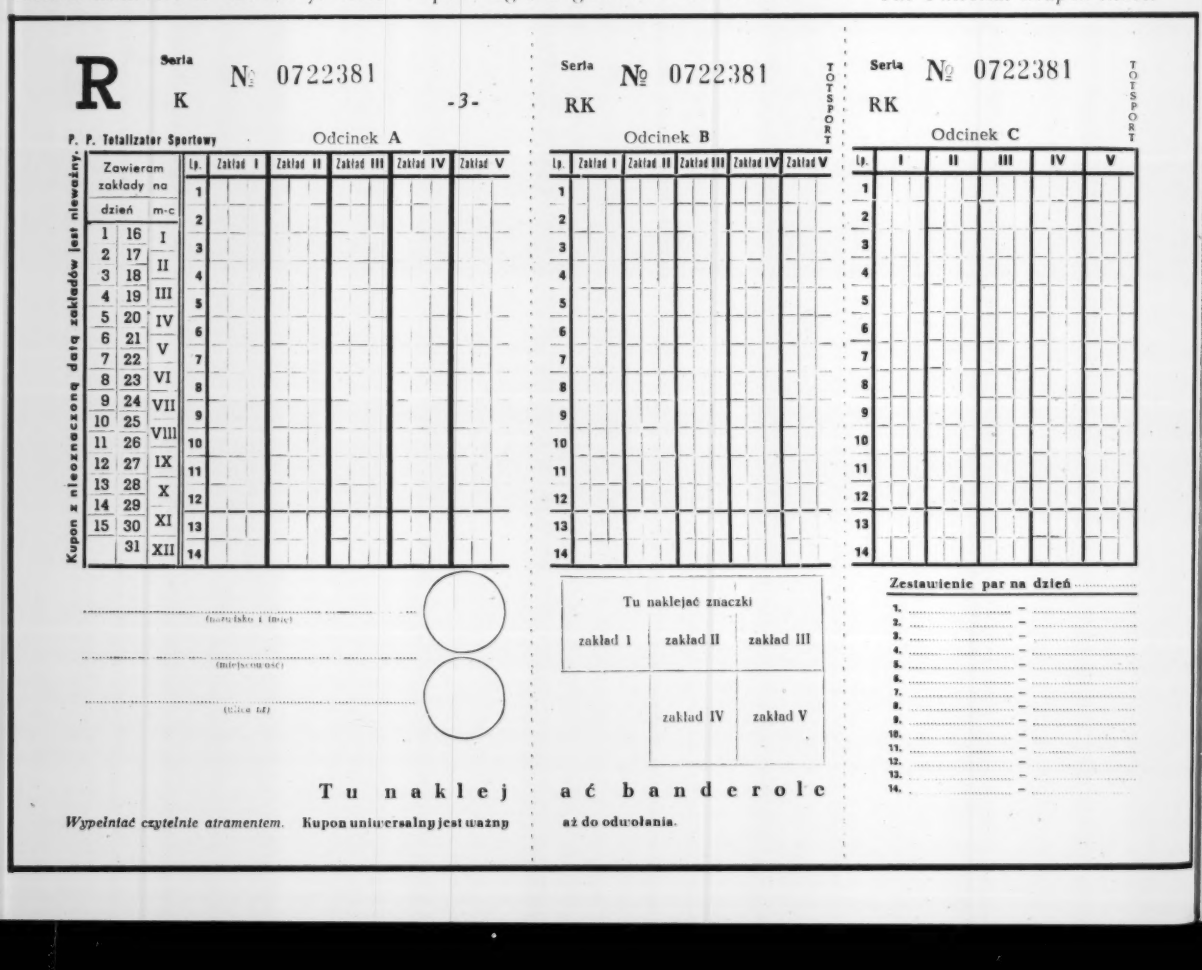
Data gry

A Jantar numbers game ticket (Danzig).

complicated sports drawing based on 49 named sports which appear in rectangles numbered from 1 to 49, and there are just four squares of numbers from 1 to 49. The player selects six such events and the numbers for a selected sport. The selections are marked in the appropriate box with an "x" in ink. The top prize for ten correct numbers is 420 zloty. The price of a ticket is 50 groszy or one half zloty. The ticket is in three parts marked A, B, and C. The top or "C" part is retained by the player, the "B" part is forwarded to the control agency by the distributor or collector, and the bottom or "A" part is forwarded to drawing unit for check-off purposes. The address of the agency operating this game is: P.P. Totalizator Sportowy, Marszalkowska 82/84/86, Warsaw 2. This is an agency of the Polish government.

Another game operated by the same agency is the so-called Universal Coupon. The headquarters for this game is maintained by Panstwowe Przedsiebiorstwo Totalizator Sportowy at Krakowskie Przedmiescie 13 in Warsaw. This is a sport pool on soccer games and would also come under some pool selling or bookmaking statutes, although prosecution under such statutes is not advisable as the courts require more detailed information than in lottery cases, and such information is not readily available in this country. The ticket is in three parts, and the rules are similar to those in toto-lotek. The wagers are for different days which are indicated in part "A" in the first three columns. The first two indicate the day of the month and the third the

The Universal Coupon ticket.


R Seria K № 0722381 -3-

P. P. Totalizator Sportowy

Odcinek A

Kupon z nieoznaczoną datą zakładów jest nieważny.

Zawieram zakłady na dzień		m-c
1	16	I
2	17	II
3	18	III
4	19	IV
5	20	V
6	21	VI
7	22	VII
8	23	VIII
9	24	IX
10	25	X
11	26	XI
12	27	XII
13	28	
14	29	
15	30	
	31	

Lp.	Zakład I	Zakład II	Zakład III	Zakład IV	Zakład V
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

(nazwisko i imię)

(miejscowość)

(ulica itd.)

Tu naklej

Wypełniać czytelnie atramentem. Kupon uniwersalny jest ważny

Seria RK № 0722381 TOTSPORT

Odcinek B

Lp.	Zakład I	Zakład II	Zakład III	Zakład IV	Zakład V
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

Tu naklejać znaczki

zakład I	zakład II	zakład III
	zakład IV	zakład V

ać banderole

aż do odwołania.

Seria RK № 0722381 TOTSPORT

Odcinek C

Lp.	I	II	III	IV	V
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					

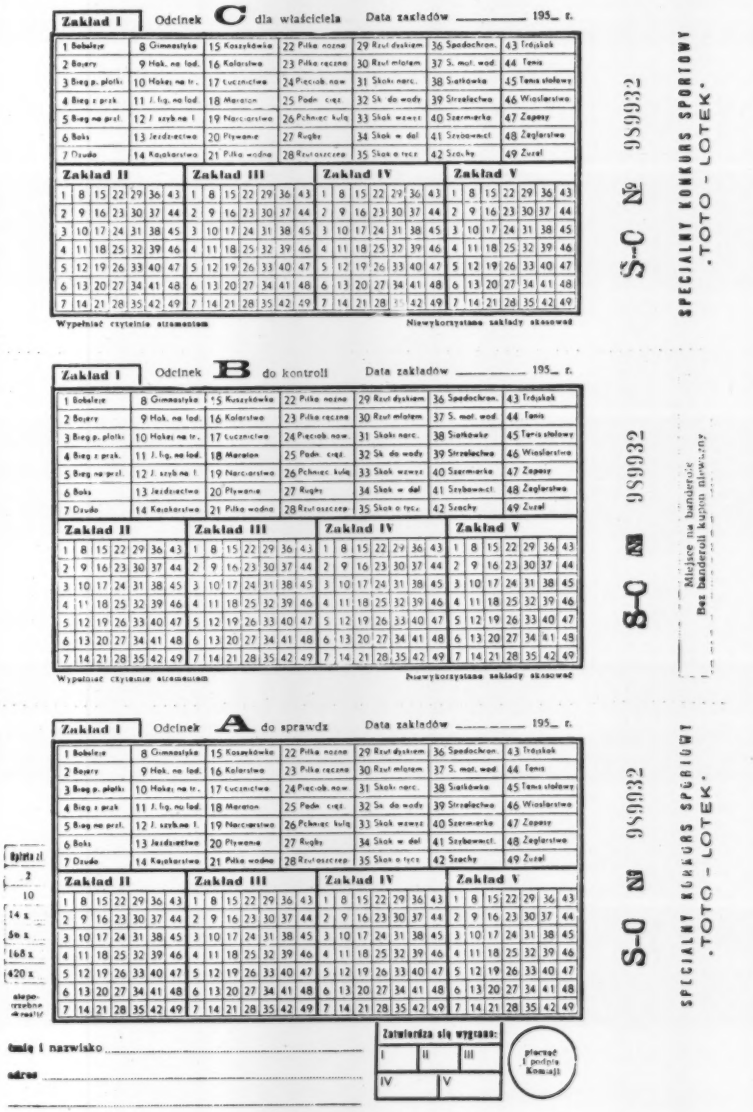
Zestawienie par na dzień .....

1. ..... – .....
2. ..... – .....
3. ..... – .....
4. ..... – .....
5. ..... – .....
6. ..... – .....
7. ..... – .....
8. ..... – .....
9. ..... – .....
10. ..... – .....
11. ..... – .....
12. ..... – .....
13. ..... – .....
14. ..... – .....

number of the month. From one to five wagers can be made on one ticket and the price of each wager is 2 zloty, the payment is made by the purchase of stamps which are affixed to part "B" of the ticket. In the case of five wagers, one 10 zloty stamp may be affixed. All entries on the ticket must be made in ink. This is a weekly ticket based on the scores of announced Sunday soccer games. The prizes are based on the total amount wagered. This game and toto-lotek are not very popular outside of Poland because of the time element.

In addition, the various cities operate their own games of chance in order to reach the poorer classes. The City of Warsaw operates a numbers game known as "Syrenka." There are several 1,000 zloty prizes in this game, and other prizes consisting of household accessories such as television and radio sets, washing machines, et cetera. The price of this ticket is 10 groszy or ½ cent at the current rate of exchange, but where available in this country is usually sold at 10 cents, the players having very little knowledge of the exchange rates. This ticket is printed in three parts, part "C" being retained by the player as in other games. Each ticket has 49 numbers, of which the player selects six by crossing the selected numbers with ink lines. Prizes are awarded for 3 to 6 correct numbers as determined by a drawing. The headquarters for this numbers game is ul. Czerniakowska, 231. Where a statute such as New York Penal Law section 974 is in effect and covers numbers games, such violations may be prosecuted under such a statute, but in other jurisdictions, the lottery statute would be invoked.

Gdansk (Danzig) also has its numbers game known as "Jantar." The ticket sells for 5 groszy and is in 2 parts, part "B" being retained by the player. There are only 36 numbers in this game and the drawings are held on Sundays. The player is required to select seven numbers. Prizes are awarded for seven or six correct numbers. The game is operated by the Danzig Numbers Game Commission located at Waly Jagiellonskie Nr. 3. The proceeds are supposed to be used for housing projects.



A "TOTO-LOTEK" ticket in three parts.

While in nearly all jurisdictions in the United States it is considered fundamentally immoral to encourage gambling, the iron curtain countries have no such scruples and do not consider it immoral for their governments to make available to their people national and local gambling schemes. They finance and perpetuate Marxist ideologies by preying on the weaknesses of their people and encourage gambling by maintaining conveniently scattered booths and betting rooms which lure parents to spend the money often sorely needed for family support. A small amount of such tickets will usually find their way to other countries.

REFERENCES

[1]The Philatelic Exporter, Sept., 1958.
[2]State v. Lipkin, 169 N. C. 265, 84 S. E. 340.
[3]Peo. v. Cadle, 1952, 202 Misc. 415, 114 N.Y.S. 2d 451.
[4]Smith v. State, 68 Md. 168; Com. v. Thacher, 97 Mass. 583.

★★★

The Mafia – And Salvatore Carnevale

By Edward J. Allen

NOTE: *This is another in a series of excerpts from the book,* The Mafia *which is soon to be published by Charles C Thomas, Publisher.*

In his recent book *Words Are Stones* (1958, Farrar, Straus & Cudahy, Inc.) Carlo Levi, brilliant contemporary writer, chronicles his impressions of Sicily and tells the absorbing story of Salvatore Carnevale, a young Sicilian peasant–union organizer from Sciara, Sicily, and his courageous, if shortlived fight against the Mafia. For his unyielding opposition he was brutally murdered and his face sadistically mutilated. His mother, however, with matching courage and zeal has dared to carry on the fight, openly defying and exposing the Mafia. Her fearless voice has given hope and courage not only to her townspeople of Sciara, but to the whole of Sicily–and it is to be hoped, to our own United States. The traditional Sicilian fear of the Mafia, which has cowed its people into silence for over a century, has been at least temporarily overcome by the intrepidity of this brave woman, who alone cast aside fear of reprisals and has dared to testify and expose the Mafiosi for what they are–the despoilers, the murderers of all that is decent and honorable, not only in the country of their origin, but in all other lands where they have migrated and regrouped. In the eventual liquidation of Mafia power, it may well be once again as it has been so often in mankind's struggle for moral emancipation throughout history, that the female of the species will prove more daring, more devastating, and more successful than the male.

Mr. Levi was fortunate during his sojourn through the mountainous northwest region of Sicily to enjoy the company of three young Sicilian friends, particularly the young attorney S., whose knowledge of the country and the Mafia was, according to the author, "the most profound knowledge of anyone I came across on the subject of the origins and the meaning of the Mafia . . . (that word which yet sounds so mysterious in the ears of anyone who lives far away from here, a word that is frightening and romantic at the same time, a word that evades both knowledge and definition)."

To the layman, as to the law enforcement officer, the study of the Mafia becomes a fascinating, if horrifying, absorption, challenging as it does, the forces of law and order to a crusade in which many of our most serious roadblocks are set up in our own midst.

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FRANCESCA SERIO: INDOMITABLE MOTHER

The husband of Francesca Serio (Carnevale) deserted her when her son Salvatore was but five years old. She raised him alone, preparing herself through self-denial to endure her present trial with fortitude, patience, and courage. Levi describes her: "Nothing exists in her, nothing exists for her except this trial over which she presides and which she carries through all by herself: the trial of the feudal system, of the servile state of the peasant, the trial of the Mafia and of the government. She identifies herself absolutely with her trial and herself has all its qualities: she is sharp, watchful, suspicious, astute, skillful, imperious, implacable. That is what this woman has made of herself, in one day: tears are no longer tears, but words, and words are stones. She speaks with the hardness and precision of a judicial inquiry, with a profound and absolute assurance, like one who has suddenly reached a firm point on which to take a stand, a certainty: and this certainty which dries her tears and makes her ruthless, is justice itself. True justice, that is: justice as the realization of its own action, as a decision taken once and for all and from which there is no turning back: not the justice of judges, not official justice. *That* kind of justice she mistrusts and despises: that kind of justice is a part of the injustice that there is in things."

This then is the mother of Salvatore Carnevale, the young Sicilian union organizer who openly defied the Mafia in his determination to secure social justice for his people; who fought for an eight-hour day, a fair living wage, and decent working conditions. In disrupting the status quo, he incurred not only the wrath of the Mafia, but that of the feudal landlords with whom the Mafiosi connived in the exploitation and degradation of their own people. To the intransigent idealist, whom they brutally murdered at the age of 32, the emancipation of his people meant more than the blandishments, the proffers of bribery, the threats of mutilation and death which are the successive "sales pitches" of the Mafia. Though they did, indeed, mutilate the face and murder the body of this young Sicilian patriot, they still have to reckon with his mother, from whom it is obvious Salvatore inherited his courage to persevere.

ERIE, PENNSYLVANIA MOTHERHOOD

I, too, know such a woman as the mother of young Carnevale. She lives, not in Sicily, but in Erie, Pennsylvania, U.S.A. She is the mother of young Angelo "Sonny

Boy" DeSantis, who "disappeared" at the age of seventeen because he, too, became defiant of the Mafia domination of the long-time Erie racketeer whose family forced and tricked him into marrying into their "Cosca." In an effort to regain his self-respect, hostility developed between him and his dictatorial tormentor, Joe Calafato (see chapter entitled "*Corrupt Solicitation and Bribery*"). On occasion, when Sonny Boy would leave the "fold" and visit his mother, Calafato would pursue, to intimidate even her with a portentous gesture which she interpreted as announcing and pronouncing her son's fate if he did not conform to the dictates of the clan.

In March, 1941, he did indeed "disappear" and has never been seen nor heard from since. His wife, as well as his mother, believed that he had been "done away with." The mother, patient, undaunted, hugs to her breast the undying conviction that the truth will one day out. Thus she remains, silent, ominous, implacable, immitigable, relentless in her unique pursuit of her son's murderers: waiting, searching, seeking for the help that is yet withheld—the encouragement that is still wanting.

His wife? Who was just as certain in her belief? She has since remarried, changed her mind—and her story. A wife, may—a mother, never! Thus, in the long patient struggle for truth, in the gaunt hunger and parching thirst after justice—in the all too feeble struggle against the Mafia, it may well be that the mothers of the slain will yet win the day! The greatest battles that have ever been fought have been waged in the hearts of the mothers of men.

While the mother of Sonny Boy wages her silent struggle, the mother of Salvatore Carnevale has decided upon a more militant course. For the first time in Sicilian history the strong persistent voice of a Sicilian mother refuses to be intimidated, but unceasingly and publicly cries out against the Mafia. That she has become a formidable foe is evidenced in the fact that she has not only startled the Mafia itself, but has caught the ear of the distant courts of Palermo and the very senate in Rome. Her campaign is deliberate, premeditated, calculated. They can do no more than kill her, too. But since her own life ended when they murdered her son, they have nothing more with which to threaten her. Her denunciation of the Mafia as a clan of murderers for profit, as the most sinister of all Sicilian evils is explicit, unequivocal, unafraid; as piercing—as clear as the annunciatory crow of the chanticleer which rouses a countryside from its night of somnolence. She is ecphorizing her people, not from sleep, not even from somnolence, but from a nightmarish mneme.

Levi recounts: "It was a great thing to do, because it broke the importance of a law and a custom whose power was sacred. There has been truly a change. On the day of Carnevale's death the village was terrorized, no one dared to go and see the dead man who had been left abandoned in the mortuary. But his mother's denunciation drove way their terror; they were all at the funeral

Angelo "Sonny Boy" De Santis, brother-in-law of Joe Calafato who "disappeared" on March 28, 1941, at the age of 17.

and they had a sense of solidarity, feeling they were on the right road, and so to speak, at the center of the world."

ONE MAN'S COURAGE

To those who would prefer to believe that the Mafia is as extinct as the dodo both in Sicily and in our own United States, it should be made clear that the murder of Salvatore Carnevale at the hands of the Mafia occurred on May 16, 1955, (the day I became Chief of Police in Santa Ana, California) in a small village named Sciara which is a "terribly poor village, and of course, though they tell you it's not true, in the hands of the Mafia. It is not a big Mafia center like Caccamo, Termini, or Trabia, or Cerda which lie all round it . . . But those few members of the Mafia are its masters, and they lay down the law. That's the elementary situation of feudal estate villages. Carnevale was the first to take any action and his example and his courage set everything in motion. For he had a clear mind, and understood it was no use coming to agreements, that the peasants must move with their own forces, and that, in order to live, they must break with the old feudal structure and must not allow any half-measures nor accept even the smallest compromise. He realized that intransigence is not so much a moral duty as a necessity of life, and that the first step is organization, and that support and help can come only from organizations that have nothing to do with existing powers. That is why he might sometimes appear extravagant, an ex-

tremist. He had realized that in these primitive, strained conditions, faced by an organized power whose ramifications reach everywhere, which controls everything by its own laws, the essential thing is not to allow oneself to be seduced or bribed, and never to accept . . . the rule of terror. Hé paid for it with his life. But the village has changed, as you will see." (Levi, *Words Are Stones*)

Carnevale was aware that he would one day pay with his life for his battle against the Mafia, and he had reconciled himself to that essential sacrifice. Three days before his brutal murder, the final bribe had been offered, one which guaranteed him acreage of fertile land to till, and sufficient money "so that as long as you live you won't have to work anymore." In refusing this final bribe and by ignoring the threat that "otherwise you'll come to a bad end," the young idealist knew his days were numbered, and he was correct. Within a week, on his way to work early one Monday morning in the month of May, "the murder was signed and sealed, so to speak, with the usual symbols of Mafia killings—the facial wounds to disfigure the corpse, in sign of contempt; and the following day the theft of forty (of Carnevale's) hens for the traditional banquet." (ibid) His body was left lying grotesquely across a country path where the skulking assassins ambushed and murdered him . . . and if it were not for his mother's resolution his murder would have "silenced" the entire village and the rule of the Mafia would have once again triumphed, gloating in its obscene victory. But the Mafia reckoned without the strength, the courage and the indomitable will of a mother's love, for she struck back, reeling and rocking the Mafia and the whole of Sicily on its heels, openly attacking and denouncing its coalition with the feudal landlords of Sciara. As a direct result of her continuing campaign, the heretofor sacrosanct Mafia itself was forced to act. On September 21, 1955, the press carried a story revealing that a member of the Mafia had been found dead in a well. The Mafioso, from the nearby town of Cerda (seldom is the executioner from the same city or the same Mafia "cosca") had been dropped into the well with his hands tied behind his back. The peasants from Sciara believe the Mafia itself executed one of its own, presumably one of Carnevale's murderers, in an effort to silence the outcry against the Mafia which had been raised in the court of Palermo by his mother.

Dark and devious be its ways, mysterious always, and always beyond legal proof—thus, the campaign of terror against other peasants, turned union organizers, continues. In our own country the record clearly reveals that the James Hoffas of the American union movement are in the same class as the feudal landlords of Sicily who consent to do business with the Mafia for their own personal aggrandizement, the while such hypocritical union czars pretend to inveigh against them.

We are indeed indebted to Carlo Levi for his detailed revelation of the Carnevale murder, his mother's courageous crusade, and the penetrating and incisive analysis of the present day Mafia in Sicily: ". . . renewed and enlarged beyond its traditional limits of the feudal estate into the world of business and trade and industry."

This, then, is the Mafia and its power in Sicily today. This, then, is the Mafia in America today with its same long persevering and surprisingly successful purpose of attaching itself to those in power, particularly those in government. This, then, makes more understandable its overtures to law enforcement officials to become business "partners" with the Mafia as mediator; to become "partners" with them in the suppression and apprehension of crime so that each can materially profit while peaceably co-existing; to become "silent" partners in a conspiracy to organize and to operate and to monopolize the entire field of vice; to mulct the people of their hard earned money; and to control elections for the purpose of insuring Mafia perpetuity. In short, to exploit, like the devil himself, the weaknesses of man in matters of sex, gambling, liquor, narcotics, indeed, to compass him round with the allurements of vice – until the unwary victim has been suckered into a thralldom and servitude from which his own consequential excesses will have rendered him too weak to extricate himself.

This, too, explains its infiltration into labor unions, into business, into every field of legal and illegal endeavor, for the purpose of concealing its illicit gains through legitimate investments, hence to expand, and to increase its profits and its influence. We need only to look about us to see how well they have succeeded, and are succeeding, for most of them, leaders of long standing since the early twenties (who are still alive) have grown wealthy and powerful and seemingly immune from successful prosecution or deportation.

According to Isidore (Etym.v 20-PL 82 202): "Laws were made so that in fear of them human audacity might be held in check, that innocence might be safeguarded in the midst of wickedness and that the dread of punishment might prevent the wicked from doing harm."

With respect to the Mafia not only the laws themselves but their enforcement, their judicial interpretations, and the leniency of their punitive application render our laws woefully ineffectual. The simple truth is that "human audacity" is not held in check, innocence is not safeguarded in the midst of wickedness and the dread of punishment does not prevent the wicked from doing harm. Unfortunately, this is true universally in the United States, but of course, an organized criminal cartel such as the Mafia exercises human audacity and diabolical cunning to such a successful degree as would convince intelligent jurists of more stable times that the modern legales which robs our statutes of their punitive value is little more than stultiloquence, or highsounding "gobble-de-gook".

ROME TO INVESTIGATE MAFIA

One of the salutary developments in the wake of the murder of Salvetore Carnevale and his mother's persevering campaign, was the action taken by the national Senate in Italy in July, 1960. The inquiry will be con-

ducted by the Italian government and representatives of the national Parliament. Specifically, on July 6, 1960, the Italian Senate in Rome unanimously voted to undertake an intensive investigation of the Mafia in Sicily, and the Italian government pledged its own participation. The developments of this investigation and its results will be of world-wide interest.

The fact that Rome recognizes the existence and present threat of the Mafia refutes the assertion by some in our country that the Mafia was exterminated by Mussolini in the 1920's. The truth is that the Mafia is very much alive both in Sicily and in our own country despite similar denials that it "died" here in the early part of the century. Oddly enough it is generally the same people who try to convince others that the Mafia is "dead" in both Sicily and the United States. They are "dead" wrong on both counts.

A collateral danger in Sicily is that it is now ripe for Communist conquest. Indeed, there is fear that the Communists are making great headway there by taking up the cudgel in the Sicilian fight against "colonialism." Carnevale was a Sicilian peasant turned Socialist, and a union organizer.

It is Communist strategy to exploit and to designedly enslave a whole people by first jumping into a breach to help them defeat an internal enemy. One outstanding fighter against the Mafia, poverty, and feudal exploitation in Sicily is a writer named Danilo Dolci. Although not a Sicilian (he is from Trieste) he is nevertheless a dedicated Mafia foe. For his struggle against these evils he was awarded the Lenin Peace prize (1956). He stoutly denies Communist affiliation or affinity, yet it is nevertheless disturbing to note the alacrity with which the Communists seize upon every opportunity to advertise themselves as the friends of the friendless, and to officially "recognize" many sincere freedom fighters. In our own sincere concern for the welfare of downtrodden and poverty-stricken nations, we ought not overlook the extreme need of the people of Sicily for genuine friendship.

It would be disastrous for Commie infiltrators to take credit for the current fight against the Mafia and its attendant evils in Sicily. This is a problem that might well be studied by our own country and by the United Nations. Let us not be beaten to the punch by the Communists in Sicily. They are busily at work there and their newspaper *L'UNITA* is hitting hard at the Mafia and its tie-up with the feudal landlords. It is therefore in our own interest and in the interest of humanity that we become serious about the Mafia, both in the land of its origin and in our own United States. With respect to the Communist-Mafia battle we must pronounce a plague on both their houses.

Writing for the *Nord e Sud Magazine* in Milano, Italy, the journalist Crescenzo Guarino gives this account of Salvatore Carnevale's murder, citing the political aspects of the Mafia killing:

"The most noted episode among those (of recent date) in which the Mafia has acted as protagonist is the killing of Mayor Salvatore Carnevale which took place at dawn on May 16, 1955, in the fields of Sciara, not far from Palermo.

"On May 27, the news was published that four Mafians were denounced as "orderers" of Carnevale's assassination . . . All four were under the dependence of the administration of the Princess Notarbartolo. They were immediately indicted by public voice and later specifically by the mother of the victim . . . They (the Mafiosi) had interests in conserving the Notarbartolo feudalism and impeding the application of the land reform in the Sciara territory. The peasants, guided by young Mayor Carnevale, had obtained 200 hectares of land and they proposed to obtain other lands similarly expropriated. There was later a workers' strike always guided by Carnevale . . . On the day the strike was announced, it seems that one of the four Mafiosi threatened the young Mayor: 'You have little time left to live, for your bad acts.' Two days later, on the road which leads to the mines, the corpse of Salvatore Carnevale was found with five shotgun charges in it. The political aspect of the assassination was in full evidence." (Translated from the Italian)

On May 31, 1955, the following article appeared in the Italian newspaper *Chronache:*

"A political crime, the assassination of the Mayor of Sciara (Sicily), Salvatore Carnevale, happened punctually on the eve of the Sicilian elections to remind the Italians in which clime the political battle of the Island (Sicily) is developing at present. In the same district in which Carnevale was murdered by gunfire and disfigured by stone-throws, there were also killed during March of 1948 two other officials: Epifanio Li Puma, secretary of Federterra di Petralia Soprana and Mayor Placido Rizzotto. On April 3, 1948, two weeks before the general elections, the peasant leader Calogero Cangelosi was murdered at Campo Reale . . . Others were murdered by gun or knife or killed by bombs in the Chamber of Labor . . . they were Pino Camilleri, Nunzio Passafiume, Giovanni Castiglione, Domenico Scaccia, Nicola Azoti, Accursio Miraglia. In these and other murders, because the list could be increased considerably, the responsible authors have never been discovered . . . Over their names there has fallen a veiled cloud, and arrested persons have seen the doors of jail reopen because of "insufficient evidence" . . .

In Sicily, by this time to those who are not reluctant to make use of homicide as a political instrument, the long impunity of its executors offers reasonable confidence that they can take this liberty without restraints.

To the Solemn Dishonor of Italy This Solidarity Among Criminals Has Demonstrated Itself to Be Stronger Than Authority—the Machinery of the Mafia More Efficient Than That of Justice. (Translated from the Italian)

What a sad and shameful commentary on our own beloved country to note that we can take that last sentence and apply it verbatim. We need only delete the word "Italy" and substitute "United States." With all our jactitated wealth, standard of living, educational facilities, religious institutions, political acumen, scientific progress, prestige, and power, let it simply be asked: In what *moral* manner are we superior to illiterate, insignificant, poverty-stricken, powerless, crime-ridden Sicily? ★★★

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Police Service: A Look At Obligations

By Harry Diamond

ABOUT THE AUTHOR: *Harry Diamond was appointed to the regular staff of the Department of Police Science and Administration at Los Angeles State College in September 1960 as an Assistant Professor.*

His police experience has been with the New York City Police Department from which he retired as a Lieutenant after 20 years service. His last assignment with that agency was Co-Supervisor, Police Science Graduate Program at the City College Baruch School of Business and Public Administration, and Officer-in-Charge of the Research and Development Unit of the Police Academy.

Professor Diamond's educational background includes Master degrees in Education (1937) and Public Administration with a specialization in Police Science (1957), and additional graduate studies in Public Administration at Columbia University, New York University, and the University of Southern California. He was the recipient of three consecutive annual awards from the Civil Service Reform Association, New York, for studies in Public Administration.

THE POLICE FUNCTION

The police are usually called or their assistance is sought when a condition or incident occurs that is prejudicial to peace, life, health, property, comfort, morals, decency, and safety. Police reaction is then related to several basic objectives: correction and control (preventing a deterioration or aggravation), the fixing of responsibility, and the prevention of recurrence. This approach involves direct action or referral to an appropriate agency or some combination of both. Herein lies the problem of determining the nature of police obligations. What range or measure of direct police action or involvement is expected? This depends on such basic factors as law and custom of the particular jurisdiction. The extent of police obligations that is determined by law is usually found in the administrative code or charter of local government. Those duties and obligations that are shaped by local custom and tradition, and have not been codified into law, may appear in operating manuals, rules and regulations; or are not spelled out at all but are performed under the discretion of the individual police officer or the particular policy of the department.

It is apparent that police obligations can and do vary according to jurisdiction. The purpose of this paper is to briefly explore some of the aspects and nature of police obligations, and in so doing, will touch on a number of unrelated areas of police operations and services. However, an underlying point of departure will be the problem of determining the range of police service. Consideration will be given to basic obligations and statutory duties, private purpose situations, and peripheral obligations.

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BASIC OBLIGATIONS AND STATUTORY DUTIES

A common denominator profile of most police agencies in terms of their fundamental obligations would include such feature as protection of life and property, enforcement of laws, preservation of peace and the prevention of crime. These basic duties are obviously very broad in scope and depending on the particular jurisdiction have been refined in different degrees of depth. Probably, an extreme in terms of police obligations is found in the section of the New York City Charter and Administrative Code that spells out what is expected of the police of that city.

> "The police department and force shall have the power and it shall be their duty to preserve the public peace; prevent crime; detect and arrest offenders; suppress riots, mobs, and insurrections; disperse unlawful or dangerous assemblages and assemblages which obstruct the free passage of public streets, sidewalks, parks and places; protect the rights of persons and property; guard the public health; preserve order at elections and all public meetings and assemblages; subject to the provisions of law and rules and regulations of the Commissioner of Traffic, regulate, direct, control and restrict the movement of vehicular and pedestrian traffic; remove all nuisances from the public streets, parks and places; arrest all street mendicants and beggars; provide proper police attendance at fires; inspect and observe all places of public amusement, all places of business having excise or other licenses to carry on any business; enforce and prevent the violation of all laws and ordinances in force in the city; and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression of crimes of offenses."[1]

The foregoing legally based obligations impose a range of duties that is all-encompassing and consequently spills over into areas normally regulated and controlled by other government agencies. These include such duties as removing all nuisances from public places, inspecting all licensed places, enforcing and preventing the violation of all laws and ordinances in the city, protecting the rights of persons, and guarding the public health. When the most recent Rules and Procedures of the New York City Police Department was published, there was an attempt made to correct this overextension of obligations. Although the New York City Code was not amended, the Rules and Procedures limited the police area of enforcement to those laws and ordinances of the Administrative Code over which the Police Department had jurisdiction.[2]

As a result of new laws and changing conditions, the police agency often finds itself the convenient recipient of additional obligations. Some of these may be peripheral to its basic obligations. With chronic shortage of police ment, the result is usually varying degrees of neglect in the newly assigned areas or in its fundamental duties or

some combination of both. When these new obligations are largely unmet, the trend is for the creation of special regulatory agencies such as (in New York City): Sanitation Police (members of the Sanitation Department selected to wear the blue police uniform and who enforce Sanitary Code violations such as uncovered garbage cans, littering the streets, etc.), parking meter enforcers, Transit Police, Housing Authority Police (public housing projects), waterfront police, school crossing guards, etc. In England, traffic wardens were recruited to take the strain of traffic watching off London's overworked bobbies, who spent more time entangling road jams than catching criminals."[3]

Do the police spend an unrealistic part of their strength enforcing morals law? What are their obligations in this area? The following comment is from a letter to the editor, New York Times: "It seems odd that with so many arrsts made daily, many more crimes are committed. Perhaps one of the reasons is that police spend a disproportionately large amount of their time enforcing morals rather than preventing what people generally regard as crimes."[4] Yet, it is generally recognized that narcotics, prostitution, gambling and liquor law violations are the crucibles from which many serious crimes spring.

Police often have to give chase in order to arrest violators. When a number of similar type incidents occur in a short period of time, a crisis atmosphere can develop. Indignant letters to the press usually follow: "Is there really no better way to catch an automobile thief than to chase him at eighty miles an hour until he crashes and kills? Is this not equivalent to firing into a crowd of innocent people?"[5] "A civilized society needs the institution of police for protection against law breakers. But this protection can only be given within certain limits."[6] "It was gratifying to read that a bystander's neck was only grazed by a policeman's bullet while two of New York City's finest were hunting some suspected 19-year-old purse snatcher. At worst, would it not be better to let a nimble thief escape rather than run the risk of shooting down some innocent person?"[7] Can policemen be given neat formulas that are applicable to every situation? For example, should a police pursuit be stopped if the suspect is speeding at more than 90 miles an hour? Or, should a firearm not be used if several bystanders are in the vicinity? What are the basic obligations in these incidents that have public safety overtones? The police have a fundamental duty to enforce laws and apprehend violators. To follow any other approach would seriously impair respect for law and order. However, policemen should be instructed to carry out their duties consistent with the public safety in mind.

PRIVATE PURPOSE SITUATIONS

Since the police role in the community can be very broad in scope, their services are often sought in "private purpose" situations. Examples are large public assembly events or occurrences (parades, a spectacular store sale, a sports event); special traffic congestion problems; escorts (fear of violence due to threats, hazardous neighborhood, carrying large sums of money or valuables); guarding against repeated acts of vandalism, burglary and theft at the same location; guarding unsecured premises left exposed by fire or burglary. How do the police meet such requests for services? Custom and tradition usually dictate the policy of the particular department.

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Special Events

In New York City a department store sponsors an annual Thanksgiving Day parade with spectacular floats, exhibits, bands and entertainers. Hundreds of New York City police are assigned to meet any contingencies or unusual occurrences, in addition to handling the traffic problems involved. Obviously such assignment means a siphoning of police strength from other duties and areas. This police service is provided free. In Pasadena, the annual Rose Bowl parade on New Year's Day is a similar spectacle. "Two hundred and fifty Pasadena regular and reserve officers were aided by 900 Los Angeles officers, 350 Sheriff's and Marshal's deputies. The additional officers are paid from a fund turned over to the city by the Tournament of Roses Association from its share of the Rose Bowl receipts."[8]

The recent United Nations sessions in New York (September-October 1960) cannot be regarded as a private pur-

pose situation. Yet, it involved very extensive planning, preparation, and unusual precautionary measures as well as much overtime work by the New York City Police Department.[9] Traditionally, that department compensates its members for overtime work by granting time off or extra days vacation. This time a precedent was set. The federal government might reimburse the New York Department for at least some of the extra costs of maintaining security during the visits of Premiers Khrushchev, Castro and others at the United Nations. Eight thousand police worked overtime hours at a cost estimated at $5,000,000.[10]

Police normally provide traffic regulation and control service in the vicinity of places of public assembly such as sports arenas. At what point is police service introduced inside the facility? Concerning a disturbance at a football game at the Yankee Stadium, New York's Police Commissioner Stephen P. Kennedy explained that there were no city policemen on duty in the stadium and that he didn't intend to take policemen off the street to police a private enterprise. If there had been a disorder on a large scale, the police would have intervened.[11]

A survey was conducted regarding the use of police services at special events.[12] A questionnaire (25 cities chosen at random) was used to determine the extent of the practice of allowing policemen to work at special events during the period when they were off-duty. Of the five largest cities in the country, only Los Angeles permitted its off-duty policemen to receive compensation from the enterprise concerned with the special event. Seventeen of the remaining twenty smaller cities also permitted this practice.

Special Traffic Problems

New York City traffic problems involving congestion and direction control are handled by the city police as a free service regardless of the cause of the problem. However, parking regulation by police on private property has been resisted. "Police Commissioner Kennedy urged Mayor Wagner to veto a bill that would make policemen parking lot attendants for garages, supermarkets, restaurants and taverns. The bill enacted by the City Council calls for the police to enforce parking and traffic violations on private property. Enforcement is currently up to owners."[13]

In Greenwich, Connecticut, a traffic control situation arose in connection with repairs and construction by a private utility. The latter obtained the necessary police help by paying for the services of off-duty uniformed policemen. These men wore arm bands with the letters "S.D." meaning Special Detail.[14]

Escorts

Special police escorts are regarded by most police departments as an impossible burden. Compliance with one request for an escort may set off a chain of demands for special police service of this kind. However, many departments set up "stake-outs" and other forms or surveillance where warranted by incidence and location of crime and complaints. Police should not be assigned as payroll guards or money escorts except only under unusual and temporary circumstances.[15] It is an accepted judicial principle that the duty to furnish police protection is a government function as opposed to a proprietary role. The duty goes to its citizens as a whole and not to a member of the public individually. Private detectives and guards are employed by people who require special protection. For example, "a detective agency in New York City escorts dozens of clients (mostly women) from the subway to their doors, either afoot or in a car. It also assigns private guards to patrol outside the clients' homes daily, checking the roof for rascals, and places warning signs all around."[16]

Some jurisdictions (small towns and rural areas) have assumed various escort obligations. The town of La Grange, Georgia, escorts strangers in town to the address they seek if they have difficulty. It also provides a motorcycle escort for funerals.[17]

Law enforcement is occasionally faced with special protection problems concerning teen-age singing idols. "Rock 'n' roll singers have come up with a new status symbol. A fabulous income no longer counts since the pompadoured troubadors are usually independently wealthy before they are twenty. The gauge of a performer's prestige nowadays is not how much he earns but how many policemen does he rate."[18]

Property Protection

Police often receive requests or demands for special police protection because of repeated thefts or vandalism at a particular location. These crimes may occur at a building construction site. Should a policeman be stationed there to prevent crime? Most police agencies will agree to provide special attention patrol (a greater degree of inspection and supervision in the area while on routine patrol).

Another problem arises when a building cannot be adequately secured after a fire or burglary. If there is difficulty in notifying the owner or caretaker, the police will usually make some attempt to safeguard the building. If this is not possible, a special post should be set up in that area until the building is secured.

PERIPHERAL OBLIGATIONS

Some police agencies assume obligation that have been characterized as peripheral. These include such operations as over-extended licensing, parking meter enforcement, over-extended services to juveniles, safety education programs in schools, jail management involving post-sentence cases for local law violations, emergency rescue, and Election Day duties. Here too, custom, tradition and local needs exert a shaping influence on the measure of police involvement in these "peripheral" areas.

Licensing

The licensing function by a police department is usu-

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ally justified because it seeks to control hazards involving theft, fraud, safety, and morals. While the police are on patrol there is the opportunity to inspect and supervise those licensed premises under police jurisdiction, in addition to those sensitive areas under the licensing control of other departments. The "peripheral" problem arises when the department's licensing program grows to include a wide variety of licenses with an expanded administrative and operational overhead. A possible overextension is seen in the operation of the License and Censor Bureau of the Detroit Police Department. It issues 105 different licenses of which dog licenses constitute the largest volume.[19] The Minneapolis Police Department, in addition to the conventional police licensing role, has licensing jurisdiction over food, milk distributors, hotels, fuel and rubbish haulers.[20] Concerning the licensing of cabarets, New York's Police Commissioner Stephen P. Kennedy indicated that he would be happy to be released of this licensing function and hoped it wouuld be turned over to the city's Department of Licenses.[21] It is conceivable that justification originally existed for police licensing of cabarets. "Regulations began in 1931. Before that, night clubs were dens of intolerable conditions where prostitutes operated openly and serious crimes were commonplace."[22]

Parking Meter Enforcement

More and more police agencies are relinquishing parking meter enforcement to civilians operating under a Traffic Department or some similar agency. New York City formed a parking inspector traffic bureau under the Department of Traffic. Opposition, however, came from police line organizations on the ground of usurpation of police duties. However, "high police officials favored it (the civilian parking force) because it would free trained policemen for other duties. There is some feeling that checking on 'payment of rent' is akin to the supervision of real estate and is not the preservation of peace and order."[23]

Services to Juveniles

Police handling of juveniles has become an increasingly controversial matter. At one extreme are those departments that provide the fullest range of services including recreation, character-building programs, safety education, counseling service, as well as unofficial probation for those who have been in trouble.[24] Other departments regard such a broad involvement in juvenile problems as peripheral to its basic obligations. In the fall of 1958, a special committee of the International Association of Chiefs of Police adopted a report which opposed active police involvement in any program directed at social rehabilitation and correction. The New York State Commit-

tee for the 1960 White House Youth Conference arrived at this approach concerning the police role in juvenile services: "The initial decision whether to arrest, release, or refer for further investigation should be made by police personnel, preferably trained in the philosophy of the Children's Court. In cases in which further investigation is made, this work should be done by personnel trained in social case work, attached to an authoritative agency (police, court, or an agency with special statutory powers), and capable of full time application to the work."[25]

School Safety Programs

Should the police conduct safety education programs in the schools? Attitude formation and safety habits must be meaningfully indoctrinated. Apparently, a lecture of "dos and don'ts," a series of maxims, posters, etc., is not enough to hold the attention of school children. In the late 1940s' the Director of Safety Education of the Board of Education, City of New York, requested that a police musical safety show be shown in the auditoriums of all the elementary schools. The performers would be three or four qualified police officers in uniform. Policemen with an entertainment and musical background were selected. They developed a program that included popular songs with original safety lyrics, audience participation, some slapstick humor, etc. This novel approach to inculcate street safety habits in children was well received by school principals, teachers and children. It was discontinued by Police Commissioner Francis W. H. Adams in 1954 on the ground that this police operation was a peripheral obligation and that education in the schools was a job for teachers and not policemen.

Jail Management

In many cities and towns throughout the United States the police obligation in jail management involves pre-arraignment detention of all arrested persons and post-sentence detention of those convicted of local law violations. However, among the five largest cities, the Los Angeles Police Department is the only police agency responsible for maintaining a city jail system and rehabilitation center for convicted local law violators. More than 8% of that department's strength (about 366 police officers) are diverted from basic tasks to maintain this program.[26] It is interesting to note that the "Los Angeles City Jail system has been hailed as outstanding in a report submitted to the State Legislature by an Assembly Subcommittee on Correctional Facilities."[27]

The Los Angeles County Sheriff's Department with its wide range of legal obligations and duties is one of the major law enforcement agencies in California. This department services over 2½ million people in the unincorporated areas and in contract cities which cover over 4,000 miles. Its personnel includes about 3200 officers and 1,000 civilians who are assigned to seven divisions (Patrol, Detective, Administrative, Civil, Technical Service, Jail, and Correction). The functions of the last two divisions are pertinent here. The Jail Division includes the jail hospital, separate men's and women's sections, trustee work units, and processing units. In 1958, approximately 72,000 prisoners were processed.[28] Its Division of Correction includes such functions as parole, care and treatment, and minimum security units (Wayside Honor Rancho and a number of road camps) as well as maximum security units.

Emergency Rescue and Aid

In addition to the customary police line functions such as patrol, detective, traffic, and juvenile, the New York City Police Department has an Emergency Service Division. Units of this division are on patrol on land, sea and air, enforcing laws, making arrests, and providing emergency rescue and first aid service. The following is a partial list to illustrate the nature of emergency equipment used: acetylene cutting units, inhalator units, heavy duty jacks, wrecking and digging tools, grappling equipment, rope life nets.[29] Although a large congested area like New York City with its high degree hazard potential may require a great measure of emergency rescue services, the New York Police Survey noted that the city's police emergency service program was over-extended and competed unnecessarily with emergency rescue operations of the Fire Department and the United States Coast Guard.[30] As a result of this survey (which analyzed the structure and methods of the entire department), the number of Emergency Service Division substations was reduced from 20 to 10 in addition to a contraction in sea and air rescue services.

Election Day Duties

According to the New York City Charter and Administrative Code, one of the obligations of the Police Department is to "preserve order at elections." On Election Day, the New York Police work an emergency duty chart (12 hour working day) to provide a kind of cooperation with the Board of Elections that might be regarded as an over-extension of police obligations. Even detectives are assigned in uniform to work at polling places. Historically, elections involved varying degrees of intimidation and fraud. Today's voting machines with their automatic counting systems, and the improved climate of law and order on Election Day seem to make such police service unnecessary. Needs of yesterday may not be the needs of today. Nevertheless, New York police still have a wide responsibility on Election Day. Each Election District voting location has a policeman assigned to it. If there are eight such districts located in the basement of a particular school building, eight policemen plus a supervisor are assigned to that basement, several feet from each other. Their job is to preserve order, prevent interference with Election District inspectors, prevent voters from being influenced or intimidated, and to record in their log or memo books miscellaneous information including the results of the election as registered on the voting machine. If New York police were paid overtime for such services, this interpretation of "preserving order at elections" might

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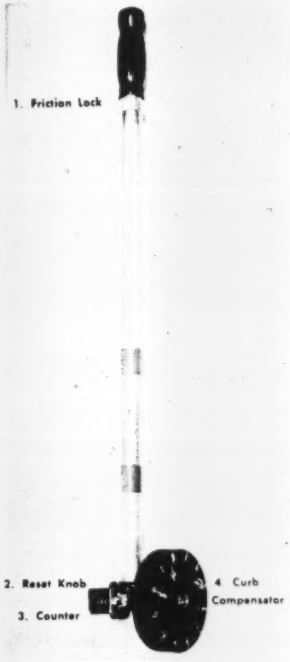

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be modified. It is conceivable that one or two policemen would be an adequate assignment at a location that previously required eight officers. This would result in a return to the performance of basic police obligations by many hundreds of policemen and protect a city that dangerously strips itself of fundamental services in order to continue an outworn and unnecessary tradition.

CONCLUSION

In providing one of the most vital government services to the community, the police function can be very extensive. The range of police obligations is largely determined by law, custom and tradition. What might be considered a necessary and fundamental obligation in one jurisdiction may be regarded as peripheral elsewhere. It is conceivable that a fringe operation can do much to achieve fundamental law enforcement goals. Therefore, it is also readily recognized that the distinction between "basic" and "peripheral" can be perplexing without adequate criteria. However, regardless of the jurisdiction, there is the need for periodic review and assessment of the police structure, its organization and methods, and its obligations. In this way possible over-extension can be avoided particularly where it has resulted in some measureable digression from achieving main police objectives.

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★★★

What to Do If You Are Kidnapped

By Dr. Vernon V. Sisney

About The Author: *The author received his B.A. and M.S. degrees in Psychology at the University of Oklahoma and was affiliated with the Oklahoma Department of Public Safety from 1937 to 1944. After serving a two-year tour of duty as a Psychologist in the U. S. Navy he became associated with the Veterans Administration. Dr. Sisney continues to be actively interested in Law Enforcement.*

What would you do if a stranger forced your car to stop on a lonely road and began stalking you with a gun?

Chances of such an encounter are almost zero, but it could happen and your survival may depend on whether or not you know what to do. Since it is possible, it is well to have a definite plan in mind. A victim without a plan is likely to become hysterical and completely helpless.

In cases of extreme danger, victims should be braced to face down a gun with the cool knowledge that they would be slain after yielding to the assailant anyway.

Here are step-by-step factors to remember:

First, anyone driving alone at night, especially a woman, should keep all the car doors locked. Not doing so is setting up a dangerous situation, just as we tend to set up trouble by leaving home doors open at night.

If you are forced to stop your car and an assailant approaches, do not open your car door, even at gunpoint. If it is someone bent on robbery, he is able to control himself and he doesn't want to shoot, particularly if he is a professional criminal.

If it is a sex deviate or someone otherwise deranged, who is intent on killing you, he is likely to shoot in any case. And remember such a person is not likely to be a good shot.

A would-be sex attacker is probably in a "fugue" state, a kind of trance in which he thinks like an animal. If he does shoot and wounds you, his thoughts would turn at once to self-preservation, and he would try to get away.

The thing to do is keep the car in motion. Move forward as far as possible and then in reverse gear if necessary. If you can move a few feet in either direction, this is all that is necessary. Most people simply do not realize that it is next to impossible to get into a moving car with the doors locked, even if it is only moving a few feet at a time and at a slow speed.

If the road is blocked, back slowly, not fast enough to run off the road, and he cannot get in. He could bash at the glass, or shoot down the tires, but he cannot get at you or stop the car. Even if he were able to break the glass, he could not reach in to open the door without cutting his arm severely on the jagged glass—if the car is kept moving.

If it becomes clear that it's your life or his, try to maneuver the car so that you can move forward and knock him out of the way as a last-ditch self defense.

The main thing is just to face the fact that if you stay in the car, keep your head and stay in motion, you may escape, and you cannot possibly be any *deader* than if you got out and tried to run.

Similar odds must be faced if someone leaps into a car and forces the driver to take him somewhere at gunpoint, perhaps with the family in the car.

If you are alone in the car when this happens, take the first chance you can, in town at an intersection, or at a gas station—any place where there are people. Open the door, jump out and run—run toward the back of the car. Self preservation is likely to keep the man from shooting at you in public. Even if he does shoot, his chances of hitting a moving target with the structure of the car serving as a shield are one in a hundred.

What if a wife and children are in the car too, paralyzed with fear and obviously in mortal danger?

You have only to read the literature on these cases to see that most such families are killed anyway at the end of the trail. Any man who forces himself into a car in this manner is likely to be a killer.

If a man really wants to save his family, he must take the first chance possible. At the first stop sign or service station, he should jerk the keys out of the ignition, roll out of the car and run, yelling for help.

The gunman cannot get away with the family, then, and here again he does not want to shoot if there are people around. He is more inclined to try to save himself and make a run for it in an attempt to escape. If he does shoot, he will likely try for the fleeing driver and again it should be emphasized that the chances of being hit or killed are remote.

And now to consider the final grim, but realistic plan for stopping a car-kidnapping at the first chance. If he does shoot at the family in public, he will at least be caught and taken out of society right then and there instead of secretly—and almost inevitably—slaying the victims later.

In any of these encounters it is useless and dangerous to try to talk the assailant out of whatever crazed or criminal motive he may have. The thing to do is to get away from him. This is especially true if the assailant forces you to drive from town to town held as a hostage. As long as he maintains control, the situation is like a cat playing with a mouse. Even running into a tree or a lamp post would be better than allowing the gunman to use a person and then kill him. Actually a person driving a car is not as helpless as he may believe himself to be, even though a gun is held on him. A depressed accelerator is as dangerous as any machine gun or shot gun pointed at the assailant.

After all he is most interested in saving his own hide when he takes a person as hostage.

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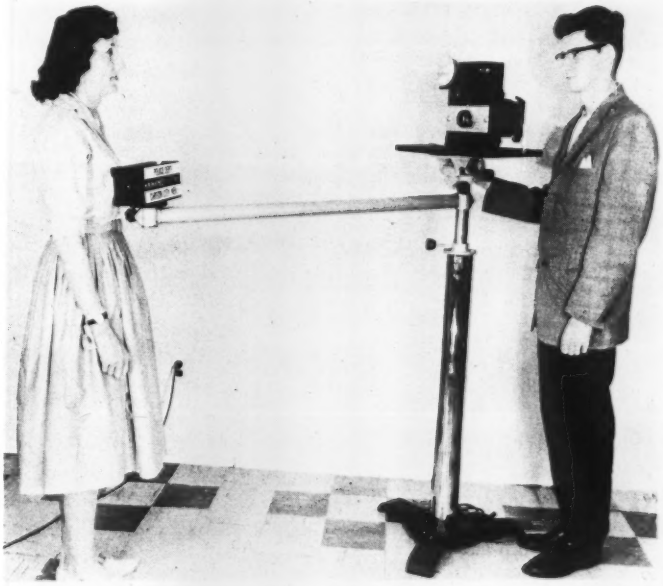

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Police Prestige—Hopeless?

By Carroll S. Price

ABOUT THE AUTHOR: *The author was an Instructor in Police Science at the University of Missouri from September 1956 to August 1958 when he accepted a similar position on the Police Science staff at Long Beach State College, where he now holds the rank of Assistant Professor. He received the Master's degree in education at the University of Missouri during the summer of 1958, and is now working toward the degree of Doctor of Public Administration in the law enforcement major at the University of Southern California.*

A member of the Missouri State Highway Patrol from 1952 until he came to the University of Missouri, Mr. Price served as law enforcement coordinator in Adult Education and Extension Service, university investigator, polygraph instructor and examiner, and assistant to the Director of Traffic Safety. For ten years, he was a member of the Missouri National Guard and was assigned as Investigation's Officer with the 175th Military Police Battalion with the rank of Captain. He has been a member of the American Academy of Polygraph Examiners, the Missouri Police Chiefs' Association, Associated Police Communications Officers, Inc., the Missouri Peace Officers' Association, the American Society of Criminology and Lambda Alpha Epsilon, National Police Honorary.

What is happening to the prestige of the police service in the United States? Why hasn't there been continuous, long range thinking and planning of professionalization by many in the vocation instead of piecemeal attempts on the part of a few? Is there an inclination to give up in despair when the almost standard reply to a suggestion is, "We can't do that, it's never been done before!"? Or, should there be suspicion that the primary cause lies in the lack of motivation? Why do people in this occupational area fear to stand up and "sound off" in regard to conditions that are obviously not in keeping with generally accepted standards of efficiency or morality?

Is it preoccupation with the "job at hand"? Is it fear of loss of status? Is it emotion about martyrdom? Is it that our people have become complacent vegetables? Some of the members of this vocation seem to have acquired the similar mental characteristics of an heroin addict content to find a dark, quiet place and hide from the rational self and the outside world. Some even run from the honorable responsibilities of the sacred vocation of law enforcement. Many enter the field only for gainful employment, and not because of any sense of dedication.

There is one area of inaction that is alarming. How can the improper actions of some individuals in the service be continually condoned by fellow practitioners, supervisors, and administrators? Not only do some condone improper actions, they also accept, and participate in them!

Is it any wonder that some sociologists, attorneys, journalists and community leaders have developed an adverse belief system relative to police? Police say, "They do not understand our position, our problems, or the practical side of the law enforcement." Some police stridently proclaim that the courts are "handcuffing the police," because the courts are more than a little interested in the way *some* police practitioners in *some* jurisdictions are dealing with *some* of our basic civil rights. How long can the police of these United States continue to justify means by ends? Are such tactics really in keeping with the *true* objectives of law enforcement, to promote community harmony in a democratic society and *protect* civil rights? Do police realize that when the rights of *one* citizen are ignored the rights of *all* citizens are endangered? It might be well to remember the words of Solon, the famous law giver of Athens who, when asked, "What is the essential ingredients of the ideal community?" answered, "When those who have not been injured become as indignant as those who have!"

Some who read this may think that the author is being facetious. Such is not the case! To sharpen this issue, what would a policeman think if a civic leader stood up in a public gathering and made the following statement: "Most of the social, economic and scientific leaders of our country, and many of our friends in other countries, believe that the majority of our policemen are unfit for their job in terms of attitude, morality, emotional stability, competency, and intelligence!"? Would the policeman believe him to be mentally unbalanced? A liar? Uninformed? A demagogue? Would the policeman agree with him or would this policeman want revenge against that individual for demeaning the law enforcement vocation? Examine his decision carefully at this point.

Negative criticism is easy for anyone. Valid, constructive suggestions are more difficult to make. It must be remembered that attitudes and habits cannot be changed overnight. Remedies which are needed in some parts of the country are not needed everywhere. There is a need for bold, new, dynamic concepts. Police thinking must transcend the immediate, local situation and move to the broad aspects of the role that law enforcement must play in our culture.

Professional experience in other fields has taught lessons which police

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would certainly do well to heed. Three factors seem to be consistantly correlated to the relative success or failure of the development of the profession, and to the creation of a favorable or unfavorable public attitude. I call them the three "C's": *College, Compensation* and *Character.*

COLLEGE

How can educational requirements for entry into the police service be elevated, and yet attract enough applicants to satisfy personnel needs? This problem will require courageous action on the part of police administrators and others in the governmental hierarchy. Currently, the more progressive municipal departments require a high school education, yet some municipal agencies require less. Some counties ask for a high school diploma, but many have no minimal educational requirements.. Some states are now considering a college degree for qualification, a common practice for Federal agencies.

We must think and act boldly in this area: *"All political subdivisions utilizing the services of a policeman should require a Bachelor's Degree in Police Science or Criminology. And, employment should be conditional until the incumbent has obtained a Master's Degree in the field. A time limit, such as five years, should be set for the higher degree."*

Many police will generate considerable emotion at this point because of ego involvement. Yet, any policeman should appreciate the importance of education and put police professionalization above consideration of self. Recommendations, such as these regarding education, are not proposed as retroactive but should govern entry requirements of the near future.

Where can such educated people be found? The cultural climate favorable to their development must be developed. Incentives must be provided that will encourage individuals of high capacity to enter programs of study. Places of study must be developed as well as the means by which such education can be attained. (Assistant Superintendent E. I. Hockaday of the Missouri State Highway Patrol recently disclosed such a plan to the writer, whereby scholarships will be provided to promising young college students in order to improve their academic preparation before entry into that organization.) *There is a tremendous responsibility which must be assumed by police administrators in encouraging the academic development of these programs. They must not only encourage the programs, but must also open the doors of their agencies to graduates of these programs who meet entrance qualifications.*

COMPENSATION

The second factor is compensation. If a political subdivision wants professional police service, then it must be prepared to pay for it. It can never attract highly prepared individuals, in any quantity, by offering an *insulting* wage. High capacity individuals will not remain with the police vocation for any length of time if they can not maintain a decent and honorable standard of living. Again, let us think and act boldly. *"Beginning salaries in this field should be at least $10,000 per year in our present economy. This should be a minimum standard which every political subdivision must meet."*

As long as some governments are allowed to employ anyone who agrees to wear a uniform, display a badge, and carry a gun, this goal, obviously, can never be reached. If some jurisdictions continue to pay $300.00 per month, or less, the citizens, therein, have little moral right to complain about the way they are treated by misfits in the police service. Instead, they should be awed by the magic of retaining as many good men and women in the service as is done. It is not because of the money paid them.

A neighbor was complaining the other day because he had not averaged his usual $1,000.00 per month in take home pay this year. He is employed by an aircraft company as a welder. A glance at recent wage surveys will show similar patterns of compensation in other occupations. Is it any wonder the law enforcement service

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finds recruitment becoming increasingly difficult, if not approaching the impossible? When salaries are so low, does the critic of law enforcement have a right to complain about the poor decisions that are made? The complete failure, in many cases, to even put a dent in organized crime? Just what does the critic expect from a situation into which we put so little, and expect so much in return?

CHARACTER

Far too little has been said about ethics in the police service. Occasionally, a code of ethics is printed in a periodical. Most tend to consider such efforts as so many printed words on paper, rather than conscientiously comparing attitudes, beliefs, and actions with concepts displayed in the code.

Now, for the third time, we must think and act boldly: *"Alter the present police agencies by systematically and completely ejecting the thieves, the extortionists, the adulters, the disloyal, the bullies, the sadists, the chronic liars, the bribable, and all others who are found to possess gross character defects. Let us employ more effective safeguards in our entrance qualification procedures that will give greater insurance against the possibility of such individuals coming into the ranks of police. Every police applicant must be thoroughly evaluated to identify traits which are indicative of adverse personality characteristics. When such defects are detected positive, decisive action must be taken to encourage such individuals to seek employment elsewhere."*

Merely paying "lip service" to a proposal such as this will not suffice. In a vocation where human failings are dealt with almost daily, police are often looked upon as a standard of character and integrity. Police *must* obey the laws that they are employed to enforce. Rules and regulations must be established that are not susceptible to compromising interpretation. Violations of these rules and regulations must be dealt with sure, firm, impartial, and prompt discipline. To do otherwise, reflects adversely on every member of the law enforcement vocation.

Never can anyone draw up enough rules and regulations to cover all of the nuances of common decency, respect and appreciation for human dignity, and basic consideration for the rights of others which must be an integral part of the policeman's personality. Shortcomings in this area must be identified and dealt with accordingly, both as to entrance selection and among current incumbents in law enforcement.

CONCLUSION

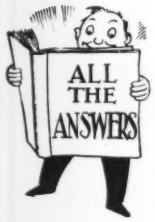
Let us think big! Let us demand a *minimum* of four years of college with a Bachelor of Science Degree in Law Enforcement. Let us demand a *minimum* beginning salary of $10,000 per year. And, let us employ *only* those candidates of the highest moral character and integrity. *Let us not accept compromise on these issues. Without* such positive thinking and planning, law enforcement, as a profession, will *never* rise above the place in our society to which it is relegated at the present time. *Never* will police achieve any more respect or prestige than they already have *unless* such goals are attained. Are you, reader, satisfied with the present status of law enforcement? If so, then this is merely a pie-in-the-sky proposal, and you will just have to put up with adverse public criticism, disparaging remarks from the courts, and general acceptance as a necessary evil. In fact, you really have wasted your good time reading this. It has nothing to offer you.

However, if you share some of the concern about *college, compensation* and *character* that have been expressed here, you *may* want to do something about it. The first consideration is to take a good look at yourself. Are you making any effort to improve your educational qualifications? It may take some determination, drive, and persistence; but where there is a will, there is a way! How about compensation? Have you talked to anyone or written any articles on the deplorable condition of most police compensation schedules as they relate to take-home-pay? What about the personal example you set in terms of character and integrity? Do you buy your coffee and lunch from businessmen because you are a professional? Do you constantly imagine yourself in the shoes of the violator and say; "There, but for the grace of *God*, go I?" Are all of your attitudes and actions in line with the basic moral codes and the laws of the land?

What can you do as a citizen? You can take our case to the public in many different ways. This article is an example of one way to do it. There are many others. You are limited only by your imagination and motivation. You can take the case to your fellow officers, your chief, the city manager, the city council, the county board, the governor, your representative at the state capitol or Washington, D. C., and the President. You can take the case to the press, to social and professional groups, to unions, to Chambers of Commerce, to the schools and to the churches, You can help present the case and persuade the public that they deserve *good* law enforcement; and can have it, but *only* with *cooperation* and *active support*. You can press for high minimum standards and help ease those out of the profession who have missed their calling. You can do a lot of things to help if you so desire. Practitioner, academician and citizen can do much *if* they work together. *It should be obvious by now that these needed changes will not come about by themselves! The elevation of police prestige will not be a hopeless task, but instead, quite hopeful!* It is going to take push—*a lot of push! Lend a hand!* ★★★

Bank Robbery Boom

FBI is worried about soaring bank robbery rate. Last year's loot amounted to almost $1.5 million and rate is still climbing. Most stick-up men are not old professionals, but amateurs. Since only 25% of these lone bank bandits are being caught, FBI is urging banks to place greater emphasis on protective techniques and devices.



Manual of Rules and Regulations for Small Police Departments

By Robert H. Christian

NOTE: *This is the second part of a series of three articles, material for which was compiled by Mr. Christian, for use as a "Manual" for small police departments. The third part of the series will be in the next issue of POLICE.*

PART II

General Orders—Procedures—Regulations

A policeman shall:

1. Conform to all points of this manual.
2. Obey all laws, ordinances, etc., that he is sworn to enforce.
3. Report for duty in the proper uniform of the season—except when on special duty as assigned by the Chief.
4. Keep himself physically fit, be neat, clean, and maintain a military stature when on duty.
5. Carry an I.D. card and his badge (or replica thereof) at all times.
6. Carry an approved gun at all times while on duty.
7. When reporting for duty, familiarize himself with events that have taken place since the end of his last tour of duty.
8. When reporting for duty, check all of the vehicles and equipment that he may be called upon to use during his tour of duty.
9. Never be absent from duty without notifying his Chief in sufficient time to replace him. (Chief shall notify the Mayor if Chief is to be absent)
10. Never exchange tours of duty with an associate without the permission of the Chief.
11. Never undertake an official duty if said duty is not understood completely. (Do not be afraid to ask your superior for clarification)
12. Respond to all calls promptly and safely.
13. Notify his dispatcher of action taken on each call so that the dispatcher knows extent of call and general details.
14. Promptly notify his dispatcher when his unit is in service following a call.
15. Be alert to keep himself in service at the best place where his presence will have the greatest benefit.
16. Make all entries in the log brief but in enough detail to convey the full story or message.
17. Never remove official documents, records, files, except when absolutely necessary to perform his duty. (Always leave a brief note in the file that an item was removed, remove note when item is returned)
18. Never make legal compromise with any person.
19. Never operate any police equipment unless completely qualified.
20. Report to his Chief any legal action that may be taken against him.
21. Never fire his gun except as in the line of duty and as specified by law.
22. Never use department equipment for personal business.
23. Take care of all department property that he may use, be issued, etc.
24. Never permit a person to remain, loiter, etc. in the police office or in a police vehicle except when said person's presence is absolutely necessary for official business.
25. Remove his cap when entering into any place of worship. Place hat under left arm.
26. Keep his Chief informed of his current address and phone number.
27. Report to the Chief all information that he acquires regarding local criminal activity.
28. Not attend conventions, meetings, etc., as a department representative without the Chiefs permission.
29. Not speak to any group, publish an article or divulge in any manner, the workings of the police department without the Chief's permission.
30. Take action in any criminal emergency which comes to his attention, whether on or off duty.

Specific Rules—Orders—Regulation

1. Equipment—Procurement of equipment is an administrative function and is carried out by the procurement authority of the community depending on the size of the community and its legislative makeup. In any case purchasing is not a function of the patrolman.

All equipment which is purchased by the community for the police department and which is subsequently used or issued to a policeman temporarily or on a more permanent basis shall remain in the property of the department.

Members of the police department are responsible for the care and prompt reporting of the defect, damage or loss of all assigned equipment. Said report shall be made to the Chief. Report forms should be available for such purposes. All reports must be in writing.

Vehicles:

(1) Cruisers—Every patrolman shall be responsible for the condition of the cruiser assigned to him for his tour of duty. He shall examine his assigned cruiser at the beginning of his tour of duty; tires, radio, gas, oil, siren, red light(s) etc. He shall check all equipment assigned to the car such as flashlight(s), first aid kit, shot gun, extra ammunition etc., and cleanliness.

(2) Ambulance – If the department has an ambulance which is normally operated by the duty patrolman, each patrolman shall examine the ambulance at the

Address: Robert H. Christian, Mayor, Municipal Building, 10151 Springfield Pike, Village of Woodlawn, Cincinnati 15, Ohio.

beginning of his tour of duty. The ambulance shall be checked in the same manner as outlined above under "cruisers." (This vehicle may have been sitting idle for at least eight hours and checking this vehicle may save embarrassment later and most important; it may save a life.)

(3) Every patrolman shall report the absence of any equipment or any defect of the vehicle which he finds dur his pre-tour inspection, or which he may become aware of during his tour of duty. (The patrolman is not expected to be a mechanic but he will recognize malfunctions of his vehicle and by proper reporting of these malfunctions, he shall help to preserve the vehicle, save the department money, and relieve himself of the responsibility of the actual repair of the vehicle.

(4) Every member of the department shall operate all department vehicles in a safe manner so as not to en danger himself, other persons and/or property.

(5) Every member of the department shall be responsible for the operation of all department vehicles in compliance with all laws and ordinances governing the operation of emergency vehicles while on emergency duty.

(6) Every member of the department shall use his siren in addition to his emergency red light on emergency runs. (Many civilian cars are equipped with air conditioners and most cars are equipped with radios and heaters. It is becoming increasingly difficult to alert motorists with a flashing light only, therefore use the siren.)

(7) No member of the department shall transport a female in a police department vehicle.

Exceptions: (a) If the female be under arrest the patrolman shall notify his dispatcher immediately. He shall then deposit her at the nearest place of detention and preferably one which has a matron on duty.

(b) If the female be a police woman or employee of the community and if the transportation be in line of duty as ordered by the Chief.

Uniforms:

(1) Every member of the department shall be responsible for the care and condition of his uniform. He shall report the damage or loss of a part of his uniform immediately.

(2) A patrolman should never wear identifiable parts of the uniform in combination with other clothing unless on special duty and by orders of the Chief.

(3) A patrolman shall keep his uniform in good repair and report for duty in the proper uniform of the season, with the uniform neat and clean, buttons all buttoned, tie on, and tied when in season.

Guns:

(1) Every member of the department shall be responsible for the care and condition of all firearms which are assigned to him.

(2) He shall never drink alcoholic beverages in a public place while wearing his gun when off duty.

(3) He shall never draw or display his gun in public except for legal use or an inspection.

(4) He shall never loan his gun to any non-police officer except in the line of duty, in an emergency or as ordered by the Chief.

(5) He shall constantly try to improve his own ability with his gun by target practice in an approved manner in an appropriate place as directed by the Chief.

(6) He shall take precaution to keep his gun in a safe place at home while off duty so that members of his family cannot use or misuse the gun.

II. Court Procedure—Every member of the police department shall:

(a) Take care in the preparation of his cases by seeing to the proper execution of all affidavits and completeness of his evidence.

(b) Notify the Chief in the event that an emergency prohibits his appearing at any hearing or trial.

(c) Not be absent from any hearing or trial without just cause and permission of the Chief.

(d) Be dressed in a clean uniform of the season, freshly shaven and generally well groomed.

(e) As a witness; be attentive and alert so that you hear and understand all details being presented.

(f) When giving testimony; speak loudly enough for judge (and jury) to hear you.

(g) Speak calmly and try not to play with pencil, eye glasses, buttons, etc. Relax attentively.

(h) Not give hasty or thoughtless answers. Be sure you understand the question, give an accurate answer being especially careful not to become confused or upset on cross examinations.

(i) Ask for an explanation of any question that you do not completely understand.

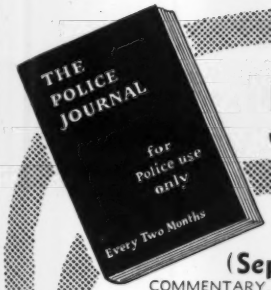
(j) Use as few words as possible when giving testimony and especially when answering questions. Be brief, exact, accurate, and factual.

(k) Be fair in your testimony. Do not inject colorful, half true or untrue statements just to gain a conviction, perjury could be the result.

(l) Control your emotions; a lost temper causes uncontrolled angry answers and scores a point for the opposition.

Note: Do not leave the courtroom with a chip on your shoulder just because you lost a case. It is better to profit by the errors or reasons for the loss, so that next time you have better results. A Policeman stands for law, order, justice and even the best Patrolmen can be a little too eager occasionally and make a mistake, charge a man unjustly, unfairly, or unwisely. Remember that if the police were never wrong there would be no need of courts, trials, or lawyers, etc., and even Policemen would not wish to live in such a society.

III. Other Departments—Many small departments



THE POLICE JOURNAL

A TYPICAL RECENT (September, 1961) ISSUE CONTAINS

COMMENTARY, a review of salient events in the police sphere. "IF . . ." an Open Letter to the Police Service on the problem of manpower and the growth of private "police" forces. ARREST OF A BURGLAR, an account of a successful police operation against an expert thief, by Detective Supt. Rex Fletcher. A NATIONAL POLICE HOUSE, a plea for better housing to a uniform standard, by Inspector H. G. St. John. RECENT JUDICIAL DECISIONS. CRIMINAL LAW AND PRACTICE IN SCOTLAND. MOTORING, by Mr. John Gott, M.B.E., G.M. RECENT BOOKS reviewed by the Chief Constable of Oxford, Ch. Supt. C. H. Cooksley, Supt. V. T. Davis, Supt. J. W. Mason, Ch. Insp. J. Prior and Mr. J. J. Tobias. THE WINNING ENTRY IN THE QUEEN'S POLICE GOLD MEDAL ESSAY COMPETITION, by Constable R F. Lunney, Royal Canadian Mounted Police.

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•

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work in close harmony with other nearby departments. This type of arrangement can be of great mutual benefit. There are general principles which should govern this mutual assistance.

In need of assistance:

(1) When arriving at the scene of the emergency quickly appraise the situation and inform your dispatcher of your analysis.

(2) Ask for assistance if it is needed and inform your dispatcher immediately if assistance is *not* needed. It is foolish to try to be a hero and handle a situation yourself if help is necessary, and conversely, don't allow other departments to rush to your aid if you really don't require help. Other departments will lose faith in you and your department if you constantly give false alarms.

(3) If you require assistance be sure to take command of the situation when said help arrives. The police department having jurisdiction at the scene is in command regardless of the rank of men from assisting departments.

(4) Remain at the scene and get the necessary reports. Do not take off on a run to the hospital, etc., and hope that an assisting department will get your reports.

Assisting other departments:

(1) Don't be a so called "ambulance chaser". Do not automatically respond to all calls of the other departments. Be sure your assistance is needed before you leave your own community unprotected.

(2) Notify your dispatcher if you are answering an assistance call. (Your dispatcher should know of your location at all times.)

(3) When arriving at the scene report immediately to the policeman having jurisdiction, who has requested assistance.

(4) Do your best to relieve the officer in charge, at the scene, of minor duties so that he can take command of the situation.

(5) Do not loiter around the scene when it is obvious that your assistance is no longer needed. Make an effort to return to your own community as soon as possible. Your first responsibility is to your own community.

IV. Police Log—Every police department must maintain a police log:

(a) All entries in the log shall reflect the high lights of each tour of duty.

(b) Log entries shall be just long enough to convey the message.

(c) Every policeman shall keep rough notes, while on his tour of duty, so that he can complete the log at the end of his tour of duty. (It is unnecessary and improper to rush to the station after each major incident. Each policemen shall make every effort to remain on patrol and make log entries at the end of the tour of duty. ★★★

The Police, The Press and Public Relations

By Ron LaCouture

NOTE: *This is the third in a series of three articles on the subject of The Police, the Press and Public Relations. The second article appeared in the previous issue of POLICE.*

THE PUBLIC

PUBLIC: Public relations, insofar as it relates to the Police department, is the sum total of the attitudes, impressions, and opinions of the public in its relationship with the department.

Definition and Purpose

PUBLIC RELATIONS: The activities of a corporation, union, government, or other organization in building and maintaining sound and productive relations with special publics such as customers, and with the public at large, so as to adapt itself to its environment and interpret itself to society.

—Webster

PURPOSE: The mutual advantages of a friendly relationship between the people of a community and their police force should be widely understood and more fully appreciated. The success of a police force in the performance of its duties is largely measured by the degree of support and cooperation it receives from the people whom it serves. The success of getting the public to cultivate such desirable attitudes is dependent upon the way in which the members of a police department presents itself to the public.

Principal Factors

The principal factors involved in determining relationship between the police and the public are;[1]

a. The Public
b. The Police
c. Racial and Religious attitudes.
d. The press.

The principal factors involved in the relationship of police and public in my estimation are;

a. Responsibility and Planning.
b. Customs and Courtesies
c. Human Nature
d. Group Nature
e. The mission
f. Discipline
g. Morale
h. Esprit de corps
i. Emotions

As you can readily see, the factors which I have mentioned are probably influenced greatly from relations within the police department.

The public easily senses morale or lack of morale in the department. Maintenance of morale is partly an administrative problem, but the most satisfactory morale is that established by the men in their relations with each other. Good morale is established by intelligence, knowledge of the work and applications to duty, honesty, discipline, and confidence in each other, while bad morale is established by the presence of opposite qualities in the individuals.

In preparing my research, I ran into the word "attitude," many times. Perhaps in closing this part of the IV Chapter, a few words on this subject would help the reader to understand more fully.

Granted that the term attitude itself is vague and general, yet it seems the best way to express a very simple thing the state of mind which lies behind every thing we do.

It is theoretically possible for an individual to operate efficiently with a bad attitude, but in the long run to operate like this the officer will be hurting himself and his associates and ultimately he will wreck the mission of his organization.

If proper attitude is essential for the ordinary individual in every day life, it is more than ever, important for the individuals bonded together in a police operation.

Why so? The Police operations are a somewhat tightly organized, cooperative operations, which depends at every stage on the individual. If the individual fails at any point, there is a grave danger the whole operation fails.

Consciously or unconsciously, we give an impression of our attitude in everything we do. If you don't believe me, ask the man in the street.

Training Needed

What determines the attitude of the public toward the police department:

1) Newspaper and radio publicity.
2) Personal contacts by the citizen with the policeman.
3) What others say about the police.
4) What the citizen observes of the police on the part of the public, it is necessary that special attention be given to training.

Care must be given to the hiring of mature men of good character and background, not likely to bring discredit upon the service. It is not necessary here that a system of personnel selection be set out. Suffice it to say that if

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the standards are not set high and maintained at that level, we will reap a harvest of complaints and eventually a scandal. Second rate officers cannot give us good public relations. We do not hire policemen; we select good men and make policemen out of them.

This is done by training. There is no reason for any police department to follow the old pattern of hiring men and putting them out on the streets without proper training. Every police force comprising as many as a dozen men should have a regular training program.

There is the case of the policeman, who was assigned to walk a beat without any training at all. He did not even have an older man with him. Bill was determined however to make good, but to do so he knew he would have to make some arrests and this worried him for the first two days. He could not decide just how a policeman would go about arresting a man, what he would say and what he would do, and he did not want to make a mistake.

But his difficulty was solved. On the third evening he encountered a familiar figure who had been drinking too much, his father-in-law. "It doesn't make any difference whether I make a mistake in the way I arrest him," the recruit officer reasoned. "It's all in the family anyway." So, Bill made his first arrest and from that experience gained the confidence necessary to place others in jail.

All of the recruits do not have a drinking father-in-law. They require training, adequate training before they are permitted to patrol our streets.

Training is vital if you are to have a good public relations program. There are many men of ability in the police field who can be employed to handle the training program in any department.

Progressive police agencies operate a continuous program of training schools and refresher courses in which police public relations is stressed. In addition to regular schools for police officers, much training in public relations can be done daily through the use of a short critique of the previous day's operation with each shift prior to assignment. A continuous program of eye-catching procedural "hints," or similar instructions may be used to advantage on the squad-room bulletin board. A well trained police officer is one of the most important factors in promoting good police public relations. Training in police public relations pays big dividends.

But training will not be enough. Stress must be put on

(1) Supervision.

Effective supervision is essential as a control device if the officers at the top who are responsible for the administrative policies are to know what the police officer on the beat is doing.

(2) Appearance.

Uniformity of dress is mandatory as is personal cleanliness, neatness, carriage, demeanor, and bearing.

(3) Information.

Courtesy, consideration and service are the governing factors in handling the problem of information.

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(4) Complaints.

Complaints made to superior officers about a police officer may be handled in an impersonal manner with the complainant and the officer both present in a spirit of fairness to both. Such conferences usually result in mutual understanding on both sides and often times in close personal friendship between the two former antagonists.

(5) Relationship with the public.

Personal appearance is of prime importance because it is here that first impressions are often made.

A police officer can do three things when an infraction of law has been committed;

a) He can inform.

b) He can inform.

c) He can apprehend; but he cannot punish.

(6) Police telephone

A generous use of the phrases "please," "Thank you," "sir," "miss," or "madam," does wonders in the field of telephonic public relations. Ascertain who is calling in a courteous manner, with "Who am I speaking to, please?"

One word of advice for the police officer. Draw up a good set of plans. You are the architect and the builder. If you wind up with a poor reputation, please remember . . . You made it.

The Answer

"A condition precedent to the establishment of efficient, professional law enforcement in a community is a desire and a demand on the part of the residents for that type of service."

The policeman labors under one great handicap . . . his efficiency is judged by the absence of trouble. This is a negative phenomenon. When things are quiet no one thinks of the police. It is only when something happens that people start shouting, "Why aren't the police on the job?"

The public little realizes the tremendous potential for crime and disorder that is ever present and that is kept largely under control by the arm of authority. If a few days go by without trouble the condition is never ascribed to efficient police work. This explains why the police are more often the target of brick bats than the recipients of bouquets.

The policeman has rights as well as responsibilities. If the citizen expects the policeman to protect his person and property, he has a right to enjoy in return the cooperation and support of the citizen. This obligation can hardly be discharged by the tender of a weekly pay check.

The citizen must remember that the faithful and conscientious discharge of the policeman's responsibility involves him in countless hazards. Much that he does is accomplished at the risk of his life. A profession so trying and hazardous should be pursued under most favorable and encouraging conditions. Unfortunately an indifferent citizenry has not provided these conditions.

Today it is fashionable, whether it be on the stage, in the press, on the screen or radio, to ridicule the police. Certain racial, religious, and labor groups have exploited this peculiar fad in their own interest—the obvious objective being to further weaken the arm of authority.

The remedy lies with the public. It must realize that its own security and welfare is inextricably involved in the maintenance of police prestige. It must remember that the blessing of an orderly society are available only where an efficient police force functions, and it must make sure that everything it says and does strengthens the arm of authority.

But you say, what about the police what can they do?

The police can do much toward changing the situation, especially if the administrator attacks this problem in a positive aggressive manner.

A starting point for good public relations is for the Chief of Police to survey his department to locate its principal faults. He should then make plans to correct everything which is wrong. Nothing should be covered up.

If the police are to gain and keep public confidence in the field of good relations we the police officers on the streets should not hesitate to clean house where dirt is found.

What dirt do you say? The dirt I refer to is;

1) Disloyal personnel
2) The drone
3) The idler
4) The misfit
5) The moocher
6) The incompetent
7) The discourteous
8) The indifferent.

These words are rather blunt and, perhaps, too forceful. No Chief will admit that all or even one of the above conditions exist in his department. Yet, if he will make an objective survey, he may find that he has a few in one or the other of those categories.

None of us are as perfect as we could be. None of our police departments are superior in all ways. The Chief must know where the weaknesses are, where the department is falling down. The better our service is the more easily we can sell it to the public.

When a scandal hits a lawyer or a minister, or a doctor, it strikes an individual. His reputation may topple. His honesty, integrity or morality may be questioned. On occasion, even without scandal, his ability is questioned. He is a professional man, an individual, and he is judged by his own acts or omissions.

It is well known that the same standard is not used when judging the police officer. If a police officer violates his oath, fails to do his duty, or in some manner meets disgrace, his wrong-doing is placed at the door of the police. Patrolman or Sergeant John Doe does not suffer disgrace alone. The whole department suffers.

Therefore, if we are to secure the esteem, the respect and the necessary support from the public, we must again raise our standards for personnel selection, intensify our training and look to our contacts with the people. With a concrete plan and competent supervision, we can succeed.

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★★★

Civil Liberties and Law Enforcement

By Jack Rodgers

NOTE: *This is the second in a series of two articles by Jack Rodgers. In these two articles Mr. Rodgers has emphasized the growing professionalization of police work with the resultant decline in illegal police activity.*

PART II

The previous article summarized the civil rights which our constitutions, both national and state, grant to persons accused or suspected of crime, the place which these procedural safeguards occupy in our democratic scheme of things, and the problem posed by the violation of these rights through illegal police methods and procedures. We shall now turn to the remedies which are available in our present legal system.

During the past eighteen years the Federal Government has taken an increasing interest in the problem. In 1939 Attorney General Frank Murphy, later to become an Associate Justice of the United States Supreme Court, established a Civil Liberties Section in the Department of Justice. Despite the fact that the Section is understaffed and not supported adequately financially, plus the fact that it has other laws to enforce, it has had some success in assisting in the prosecution of persons who violate the constitutional rights of others. The provisions of the Constitution pertaining to personal rights operate as limitations on the government only, not on individuals. However, the remnants of the Civil Rights Statutes passed by Congress after the Civil War which the Section may bring to bear on these cases may be used to prosecute individuals who are guilty of infringing on individual rights. One of the principal provisions reads as follows:

> Whoever, under color of law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the constitution and laws of the United States . . . shall be fined not more than $1,000, or imprisoned not more than one year, or both.

Admittedly this statute is archaic, clumsily worded, and difficult of interpretation, and it is not the complete answer to the problem at hand, but it has served to bring at least some justice in several instances of police brutality. The Section believed that police brutality under color of law, willfully intended to deprive a person of a Federal right—such as his right under the Fourteenth Amendment not to be deprived of life or liberty without due process of law. The following will show how these cases have arisen.

In 1943 Claude Screws, sheriff of a Georgia county, arrested a Negro named Robert Hall on suspicion of stealing a tire. On the way to the court house, and while handcuffed, Hall was beaten to death by Screws and two other men. Georgia failed to take any action against the men, and Screws was subsequently indicted by a Federal grand jury for violation of the Civil Rights Statute quoted above. The men were each convicted, fined $1,000, and sentenced to prison. The United States Supreme Court reversed the convictions because it said it had not been proven that Screws had willfully meant to deprive Hall of a Federal right. They were acquitted at a subsequent trial. The constitutionality of the statute was upheld however.

The Federal Government was successful in its next case, however, one involving a Florida county constable who arrested a Negro for drunkenness, beat him with a bull whip, and then forced him to jump in the Suwannee River where he drowned. The constable, Tom Crews, was convicted under the same statute, and his conviction was upheld unanimously by a United States Court of Appeals. In 1951 the Supreme Court upheld the conviction of a special police officer working for a lumber yard to discover who had been robbing it. He, and others, over a period of three days took four men to a paint shack on the company's premises and used brutal methods to obtain confessions from each. A regular policeman had been sent along to lend authority to the proceedings. A rubber hose, a pistol, a blunt instrument, a sash cord and and other implements were used in this project. The Court said, "This is the classice use of force to make a man testify against himself. The result is as plain as if the rack, the wheel, and the thumb screw—the ancient methods of securing evidence by torture—were used to compel the testimony."

Then, in 1951, the Supreme Court denied certiorari in a case from a Court of Appeals upholding the conviction of a sheriff who had allowed Klansmen to beat several Negroes. He was fined $1,000 and sentenced to one year imprisonment. Quoting from the *Screws* case the Court of Appeals said, "Those who decide to take the law into their own hands and act as prosecutor, jury, judge, and executioner plainly act to deprive a prisoner of the trial which (the United States Constitution) guarantees him . . ." The Court went on to say that a prisoner unlawfully beaten by an arresting officer is denied the right of due process of law and also the right of equal protection of the laws.

During the 1954-55 year the Civil Rights Section obtained a conviction against a Texas constable and deputy sheriff for beating a suspect with blackjacks until he confessed. The deputy sheriff was discharged subsequently

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and the constable fined $500. In another case conviction was secured of a chief of police and two other police officials of Muscle Shoals, Alabama, for beating a person arrested for public drunkenness. Each was fined $250 and given a six months suspended sentence.

Of course these punishments are ridiculously light considering the nature of the offenses, and convictions are difficult to get. While these Federal statutes hold promise of aiding in the fight against illegal law enforcement, they are not the complete cure. The Civil Rights Statutes need to be clarified and strengthened, the Civil Rights Section needs to be expanded, but most of all, the states must become more conscious of their responsibilities in this field and take more positive action in punishing guilty parties.

COERCED CONFESSIONS

The principal headway which has been made in recent years in combating this type of police work, however, has not been in taking direct action against offending officers. It has been the decisions of state and Federal courts ruling that coerced confessions—the fruit of illegal police procedure—are not admissible in evidence in court, and in reversing criminal convictions in which the coerced confessions played a part.

In state courts generally the rule is as follows: Suspects may be questioned while in police custody and confessions elicited which are voluntarily given are admitted in evidence, but if an accused is convicted by a trial court which had admitted a confession obtained by torture, brutality, violence, or other improper coercion, or which was the product of other than reasoned and voluntary choice, he is denied due process of law. This is the rule in Nebraska. The supreme court of this state has said that "In a criminal trial a confession of guilt alleged to have been made by the defendant is not competent in evidence, unless first shown to have been voluntarily made. An involuntary statement or confession is not competent against the defendant for any purpose." Nor is a confession admissible which is induced by the promise of benefit. There has been no departure from this rule. Whether a confession is admissible in evidence is in the first instance for the court to decide, and even where the confession is received, the question of whether it was voluntarily made is still a question to be decided by the jury.

In typical cases the Nebraska court has reversed verdicts of conviction where a "callow youth" was questioned by a mature investigator in an empty room in the court house, who was not apprised of the fact that whatever he might say might be used against him in court, and where the investigator patted his gun and said "we can make you talk"; where the trial court refused to submit to the jury for its determination the factual question of whether defendant's alleged confession was voluntary; and in a case where the sole evidence against three defendants were confessions which were obviously acquired by the third degree. In this latter case the Nebraska court said "All courts are in agreement that the use of the third-degree applied by police officers to persons in their custody can never be tolerated, and that confessions obtained thereby are necessarily invalidated because of the nature of the means employed to obtain them." This is the rule in all the states.

The United States Supreme Court has also invalidated convictions in *state* criminal proceedings which were based on coerced confessions. There is no specific provision in the Federal Constitution to the effect that the states may not admit coerced confessions as evidence in their criminal proceedings. But the Fourteenth Amendment does provide that no state may deprive any person of life or liberty without due process of law.

We have already alluded to the fact that this (due process) is a general requirement of fairness in state criminal proceedings. It is at once one of the most ancient and one of the most fundamental pillars upon which is founded the Anglo-American concept of personal liberty. Due process of law is traceable clear back to the Thirteenth Century and the famous 39th. Chapter of Magna Carta. Then, in an English statute of 1354, we read the following:

> That no man of what estate or condition that he be, shall be put out of land or tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of law.

As we have seen, the Fourteenth Amendment does not require a definite set of procedures to be followed in state courts, only that the procedures which are followed are fair, not arbitrary, and in agreement with our conception of orderly justice. Confessions extorted by force, physical or mental, or induced by threats or inducements have been judged not to coincide with these basic beliefs of ours. Quite a bit has now been said about due process of law. What does this phrase mean today? Following are some basic understandings.

First, the Nebraska supreme court has said that it means that every man, no matter who he be, shall have an impartial trial when charged by the state with an infraction of the criminal code. The court has also said that due process of law in a criminal case requires a law creating or defining the offense, a court of competent jurisdiction, accusation in due form, notice and opportunity to answer the charge, trial according to the settled course of judicial proceeding, and a right to be discharged unless found guilty. The presumption of innocence is also an essential of due process of law, and no person shall be convicted until the state, by evidence establishing guilt beyond a reasonable doubt, has made out its case and removed the presumption of innocence. The courts of the other states have taken much the same views.

The issue of the third degree, and whether convictions resting solely upon confessions shown to have been extorted by state officers by brutality or violence are consistent with the requirements of due process under the Fourteenth Amendment, first claimed the attention of the United States Supreme Court in 1936. The defendants were ignorant Negroes convicted of murder and sen-

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tenced to death. One of them was taken by a deputy sheriff to the house of the deceased where a group of white men were gathered. He was accused of the crime, and when he denied it, was seized, and aided by the deputy, hung by a rope from a tree limb. Let down and hung again, he still maintained his innocence. He was then tied to a tree and whipped. Still claiming his innocence, he was allowed to go home suffering intense pain and agony. He was arrested again a day or two later by the deputy, and while on the way to jail was whipped severely until he confessed. The other two accused were taken to jail and had their backs cut to pieces with straps with buckles until they confessed. While the state court upheld the convictions, the minority judges said that "In pertinent respects the transcript reads more like pages torn from some medieval account, than a record made within the confines of a modern civilization which aspires to an enlightened constitutional government."

Saying that coercing supposed criminals into confessing, and then using these confessions to convict them, was the curse of all countries, and had been the infamy of the Star Chamber, the Inquisition, and similar institutions, the United States Supreme Court reversed the convictions. Between 1936 and 1957 the Court ruled similarly in a number of cases wherein confessions were obtained by like methods. In one case the accused were taken by officers into the woods and whipped; in another the accused was arrested without a warrant, moved from town to town, told of threats of mob violence, questioned continuously, and there were claims that he had been whipped and burned; and another case concerned the holding of a defendant incommunicado for thirty-six hours during which time he was questionsd continuously by relays of officers without sleep or rest and had his eyes blinded by powerful electric lights.

In several of the cases the question arose of whether confessions could be coerced without physical violence or pressure being applied. They concerned such actions as holding the accused several days prior to arraignment, forbidding them to see counsel or friends, not advising them of their constitutional rights, and subjecting them to intensive interrogation. In one case, for example, the accused was arrested on suspicion on a Wednesday, held without arraignment, without the aid of counsel or friends and without advice as to his constitutional rights, until the following Tuesday when he confessed to murder. Meanwhile he was held much of the time in solitary confinement in a cell with no place to sit or sleep except the floor, and was interrogated by relays of police officers usually until long past midnight. The Supreme Court ruled that the confession had been obtained in a manner violating due process of law.

The Court has said that the mere questioning of a suspect while in the custody of police officers is not prohibited by due process of law, and in 1945 arrested the suspicion which had been developing as a result of some of its decisions that the use of any confession made after arrest would result in a trial constitutionally defective. It is not any one particular factor of so-called psychological coercion which renders a confession inadmissible, but the "totality of the circumstances" which precede the confession. For example, the courts may consider prolonged detention without a charge of crime or without preliminary appearance before a magistrate, unlawful detention, the systematic persistence of interrogation, the length of the periods of questioning, the failure of police to advise the prisoner of his rights, confession to the police in private, the absence of counsel or friends, the lack of counsel before, during, or after arraignment, and the character of the prisoner. The Court, in other words, holding to the principle that ours is the accusatorial and not the inquisitorial system, judges the facts on this standard.

A related issue coming before several state courts and the United States Supreme Court concerns the admission of evidence obtained by the compulsory physical examination of the accused while in police custody. Generally speaking, the courts have held that this does not violate due process of law. This has been held in cases involving the taking of blood samples for comparison with that on a murder weapon while in jail; the taking of bindles of heroin from the mouth of a suspect without undue force; the taking of numbers tickets from the mouth of a suspect; the taking of a blood sample to test for intoxication while unconscious; and the giving of an enema to an accused to recover swallowed jewelry.

However, where the officers use undue force and violence to extract evidence from the body of an accused, in other words where brutal and shocking force is applied, the Supreme Court has held that due process was violated. In this case the officers attempted to retrieve swallowed heroin capsules by their fingers, squeezing the defendant's throat, and finally by applying a stomach pump. The Court was of the opinion that these tactics "offended those canons of decency and fairness which express the notions of justice of English-speaking peoples even toward those charged with the most heinous offenses."

CONCLUSION

There are other rights which may be invaded by law enforcement officers prior to the actual trial. Evidence may be acquired through an illegal search and seizure in violation of th Fourth Amendment.

While the Supreme Court ruled in 1949 that this right is enforceable upon the states through the Fourteenth Amendment, it also held that evidence gained through such a search and seizure could be used in trials in state courts. On June 19, 1961, the Court reversed this ruling and held that evidence gained by an illegal search and seizure by state officials could not be used in trials in state courts. At the time of this decision twenty-four states followed the common law rule that evidence is admissible even though procured unlawfully. The other rule, known as the exclusionary rule, was followed by the other twenty-six states and the Federal Government.

Closely related issues are those of the requirement of search warrants and the problem of wiretapping. Space will not allow their being discussed in any detail. It is felt by some, however, that recent decisions of the Supreme Court have tended to weaken the requirement of valid search warrants, especially in its interpretation of the right to search incident to a lawful arrest.

Law enforcement is not an end in itself, but a means to an end, and proceeding on the basis of due process of law rather than vengeance marks the civilized society. A defendant, guilty or innocent, is entitled to due process of law—to fair play, from the beginning, throughout, and in the concluding steps of the case. The arresting officers have a responsibility in protecting individual rights, but they are not the only ones. It is the duty of the prosecutor to conduct the subsequent trial in such a manner as will be fair and impartial to the rights of the accused, no matter how guilty, in his opinion, the defendant may be. And it is the duty of the trial judge to endeavor to surround the trial with an atmosphere of fairness, undisturbed by prejudice, passion, or ill-will. The Supreme Court has ruled that convictions issuing from trials dominated by mobs or the mob spirit, do not conform to the requirements of due process of law.

Law enforcement officials need to remember that the criminal has not just sinned against them, but against society as a whole, and our democratic society has determined long ago that these transgressors are to be dealt with through fair and impartial procedures. The law enforcement officers do not have the responsibility of bearing the conscience of the entire community, only of acting as the community's agents in fighting crime as required by due process of law.

The general public needs to remember that, in many instances, law enforcement will only be as good as the people in the various localities want it to be. The police agencies need positive public support in the way of higher pay and public recognition. This will hasten the day when police work will be generally accepted as an honored profession. Progress is being made. The number of police training schools is on the increase, a more professional point of view is developing within the police services, and this is having a beneficial effect on the level of law enforcement work. It should also be pointed out that these developments have led to a reduction in the incidence of the third degree and other illegal police methods, until today they are not the rule of police procedure but the exception.

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JOHN KENNEDY TO TRAIN ALASKA STATE FIRE MARSHAL'S DEPUTIES AND STATE TROOPERS

Robert F. Crouse, State Fire Marshal for the new State of Alaska and Public Safety Commissioner, Martin B. Underwood, announced today that John Kennedy, Chief Special Agent of John A. Kennedy and Associates, has been commissioned by the State of Alaska to conduct Fire Investigations Schools for State Investigators in Anchorage, Juneau, Fairbanks and Ketchikan.

The schools will be attended by all the Deputy State Fire Marshals, The State Police, Resident Agents of the Federal Bureau of Investigation, members of the City and State Fire Services, which includes firemen and policemen, Naval Intelligence Personnel, and members of the Criminal Investigations Division of the United States Army.

Mr. Kennedy previously assisted in the Organization and training of the Chicago Fire Department Arson Squad and other City and State Arson Bureaus. He is a Commander in the United States Naval Reserve and as such has written a manual for the U. S. Navy on Fire Investigation and has participated in the training of Naval Intelligence Investigators.

Mr. Kennedy will set up the fire school at Anchorage, Alaska on September 11, 1961. The personnel in attendance will be limited to 500 people. At the conclusion of the three day session in Anchorage Mr. Kennedy and his instructors will fly to Ketchikan where they will set up another three-day school.

The fire schools will use lectures, practical demonstrations, movies and illustrated slide lectures to cover the entire subject matter completely.

I A A I
International Association of Arson Investigators

Physical Evidence in Arson Investigation*

By S. L. Stevens

About the Author: *The author is a graduate of Mercer University and holds a L.L.B. degree. Mr. Stevens saw service in both World War I, and World War II. He was an arson investigator with the National Board of Fire Underwriters for more than twenty-five years. For the past two years the author has been employed by Mr. J. Edwin Larson, State Treasurer and Insurance Commissioner and ex officio Fire Commissioner for the State of Florida. Mr. Stevens is currently deputy state fire marshal of Florida.*

The author is also well known for his lectures at various Arson Seminars and several police training schools.

Rather than thinking of physical evidence as the details which accompany an act of arson or facts or things standing around or about a specific arson act, let's forget the circumstances surrounding an investigation, confining our remarks to all creative existences, the material things—that which can be seen or touched.

Of course, finding and establishing the truth of any fire, whether it be accidental, careless, or as an incendiary fire, becomes the prime and major purpose of every investigation.

We are concerned with incendiary fires: 1. Fires set for revenge. 2. Fires set for fraud. 3. Fires set to cover up other crimes. 4. Fires set by the mentally ill. 5. Fires set by juveniles.

In arson investigations we look for something concrete, something tangible, some object or thing that can be seen or touched or smelled, which is "The Physical Evidence of a Crime." We will be looking for something the prosecutor can use to prove the criminal responsible for the crime of arson. The subject of our search must be for something of evidential value, something in connection with the intentional origin, or evidence of the accidental origin, of the fire.

Sometimes these searches fail because the greatest degree of care is not used in finding the evidence. Most of the time, this evidence is found near the point of origin or in the immediate vicinity.

Sometimes we fail to bear in mind that the arsonist has given much detailed thought to making the fire look accidental. In other words, his plan is to make his act look like "what really happened, didn't."

The physical evidence to be found in this type of fire may be anything commonly used in the home every day. It may be cooking or heating equipment, cleaning fluid, electric appliances, or it may be copper gas lines or fittings, flat irons, coffee pots, toasters or frying pans. It can be many types of insecticides, starches or plain flour or meal.

As to the cooking or heating equipment, if you find an oil stove or heater turned over in the debris, whether the house is completely destroyed or not, and you find it with some or all of the valves in the open position, what would you conclude? If you found the connections to an oil line with the couplings unscrewed or disjointed before the fire, what would you conclude? If you found a melted mass of aluminum on the eye of an electric plate or a cook stove, or a hot plate with the electric connections in the melted mass, or a pot handle protruding from the mass, what would be the inevitable conclusion? If you found the toaster on the ON position with the fragments of cloth or paper of the end of a trailer or wick tucked neatly or otherwise in the toaster, could that have been an accidental fire? Should you find an electric iron connected at any given location in the dwelling or other building not around or about an ironing board or a place used for ironing, could the resultant fire be accidental? Or, was it put on, or left on—something to make it look like an accidental fire?

In the field of electric wiring and its installations, we find one of the most baffling conditions of recognizing the physical evidence after a fire. Competent electricians can tell that a short was in the wiring after a fire, but most of the time they cannot tell whether the fire caused the short circuit, or the short circuit caused the fire. In other words, which came first—the chicken or the egg? In most cases, all the physical appearances must be taken into consideration in determining this fact.

Inflammable substances commonly and ordinarily used about the house, such as gasoline, kerosene, benzene, alcohol, insecticide sprays, must be classified as evidence which, if found at unusual places or stored in spots to cause blazes, may be the physical facts to prove a fire of incendiary origin.

Haven't you, in your experience, been called to the scene of a fire

*This article was presented by Mr. Stevens at the Sixth Arson Detection and Investigation Seminar in West Palm Beach, Florida.

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where insecticides have been used to eliminate rodents and insects, just a short time before a fire occurred? Residue of these materials become physical evidence of an incendiary fire when they are uncommonly stored or used.

Many accidental fires do occur from the use of any or all of these necessities of everyday life. You can well understand that the use of these to start a fire of evil design can make it appear that what really happened did not happen at all. Therefore, an investigation cannot be too careful to determine the manner or place in which these things were used, and whether or not they contributed to the cause of the fire. It goes without saying that all physical evidence found in the course of an investigation must be properly identified and preserved. An exhaustive investigation may determine whether such evidence was used to start a fire or whether it was accidental.

In many cases, a fire has not completely destroyed trailers of rope, dynamite fuse, mechanical devices, gas soaked rags or paper, or setups with an alarm clock, cigarettes, matches or candles. We may find deliberate overloading of fuses or a bridge of electric circuits. All these items must be noticed and preserved either as physical objects and/or by photographs. Evidence must not only be preserved, but the substances must be authenticated to show the evidential facts which connect them with the crime of arson.

In addition to the above, setups, stains, and fluids, when found to be incendiary by chemical analyses and connected to the crime of arson by facts, are competent physical evidence. Charred boards, saturated with inflammables, when connected with unlawful burning, should be added to the numerous items of a like kind.

Let me re-emphasize that there is nothing about a fire that becomes worthless evidence. Every room and all the contents of each room becomes important evidence in a fire.

Everything about a building, from the basement to the roof, may become important evidence in a fire.

There is no better way to give you a clearer picture of physical evidence than to relate a few cases:

In a fire set for revenge, the perpetrator had been sentenced to fifteen years for an assault with intent to murder. He had sworn to get even with a witness who had testified against him. The witness was the father of seven children from two years old to twelve. The family lived in a small house with a kitchen and living room, and two bedrooms. A porch ran alongside the two bedrooms. The two youngest babies, two and four years old, slept in the room with the parents; the other four in the room at the other end of the porch.

The culprit was paroled after seven years. Within three weeks after his parole date, he found where his

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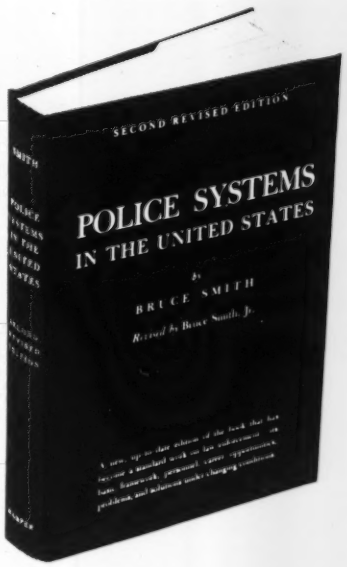

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would-be victim lived. He rented a room on the other side of a drainage ditch, obscured by bamboo and willow trees. One night he siphoned a two-gallon bucket of gasoline from a neighbor's car. He walked down the ditch, thinking he could make his tracks obscure in the water. Occasionally his feet struck a wet sandy spot. He made his way to the house, not far from the drainage ditch. He threw the bucket of gasoline on the side of the wall and porch of the bedroom in which the four children slept. The father saw the flash of fire and a man run into the ditch. The tracks, the bucket, a siphon hose, and abandoned clothes found in the culprit's room, bearing the odor of gasoline, was the physical evidence that tied the culprit to the crime.

A fraud fire set in two apartment buildings by an arson ring was solved. The torches bought several rolls of paper to use as streamers from a wholesale dealer. The rolls of paper were billed as a cash sale to two unknown parties. Twelve hundred dollars worth of furniture was bought from a furniture store and the furniture dealer made an invoice out for twelve thousand dollars. The furniture store books showed twelve hundred dollars instead of twelve thousand dollars for the sale on the same date as the invoice. Some of the furniture was removed from the apartment and found in the residence of an associate of the two torches. Title records at the county court house showed the insureds bought only a delinquent tax title to get an insurable interest, and fortunately gave the address of the purchasers in a distant city.

Telephone records showed the torches were in communication with the owners on the night of the fire-police records showed the torches to have a long criminal record. Proofs of Loss were signed, sworn to and mailed. Four were convicted in Federal Court as a mail fraud case. The physical evidence — books, invoices, insurance policies, rolls of paper—identified by analysis and handler—public records of title, and police records—all were used in proving the case.

To cover up a murder, a four-room shack was completely destroyed by fire. A negro woman's partial torso was found in the ashes, lying by the side of the metal remains of a bed. Her position indicated she was lying on the floor, head towards a door. The lock to the door contained a key and the lock was thrust out indicating the door was locked from the inside. A flat iron, usually kept on the back porch, was found between her and a window. The barrel of a twenty-two rifle was lying beside her, pointed in the same direction her feet would have been. The screen to a high small window was on the ground several feet from the outside of the bathroom which could only be entered from the bedroom where the victim was found burned. The condition of this screen indicated it was torn out and thrown on the ground prior to the fire. Large tracks led towards the street from this window. A negro man, wearing a red zipper jacket, was seen going towards the house thirty minutes prior to the fire. His relations with this woman, it was learned, involved three hundred dollars. He lived one hundred yards east of the premises. He was arrested. His jacket contained blood smears. He said he had killed and dressed a turkey. Neither feathers nor turkey carcass were found where he said he put them. The jacket was sent to the FBI laboratories. The blood was found to be human. This negro later was given a polygraph test, showing him guilty. He later confessed that the woman was his girl friend. He had loaned her three hundred dollars. They fought. He got the flat iron off the back porch, locked her in the bedroom, struck her in the head with the iron as she grabbed a twenty-two rifle from the corner of the room. He poured kerosene out of a lamp over her body, setting the body on fire. He had to leave through the bathroom window. He pushed the screen out and then jumped from the window.

The physical evidence that helped to break this case was: 1. The jacket containing human blood. 2. The flat iron. 3. The rifle. 4. The torn screen. 5. The key and lock in position as found.

To illustrate fires by the insane: Several fires were set during three different full-moon seasons. A pattern was developed by finding around each set fire, a piece of smoked glass, scraps of brown paper sacks and a bottle with a green pine-straw stopper serving as a very good spray. A woman suspected was caught in the act of setting a fire. She invariably used a certain type of large safety kitchen matches. She carried numerous folded brown paper bags which she would accumulate from stores. She would wad up the bags, place them under a door step, take her bottle of kerosene with a pine-straw stopper and sprinkle the sacks using the big kitchen match to start the fire. The physical evidence was: 1. Smoked glass. 2. Scraps of paper bags. 3. Bottle with pine-straw stopper.

The variety of physical things used by juveniles is as numerous as the innumerable imaginations of youth. Do not be surprised to find any substance from scrap paper to a young missile — depending on where and when the pent-up energy runs rampant.

The absence of items in a home, a store, hotel or factory, may disclose a robbery has been committed or a fraud has been perpetrated. An expensive fur, silverware, or china may be missing after a fire.

Suppose a dealer or manufacturer wanted to perpetrate a fraud. They have a big stock of refrigerators, adding machines, typewriters, radios, television sets, electric motors, sewing machines, or other such stock. They decide to move these things out and substitute second-hand goods. The serial numbers on plates or stencils on these items would identify them. A comparison of invoice numbers should betray their purpose.

Circumstantial physical evidence will be recognized by the astute investigator, through close observance and examination of the fire or

through questioning firemen and witnesses who were at the scene of the fire. 1. They may find something arranged to delay the discovery of the fire. 2. Or, something to hinder the firemen's efforts to put the fire out. 3. A torch may have made holes in ceilings or walls, or other locations, to give the fire ventilation necessary to speed its progress. 4. It may be discovered that a torch pulled down the shades, boarded windows, nailed doors, piled furniture against doors, etc., to slow down efforts of friends to gain entrance. 5. In factories, warehouses, stores, or industrial plants, hazards may have been made by arranging packing boxes or machinery against doors.

We have mentioned the absence of goods, or personal effects from a home, or reduced quantities of what should be or was in a home or business establishment. This absence of the normal or reduced quantities of what we would normally expect to find in a burned building, we suggest, would become facts of a negative nature and may be called legally the "negative establishment of physical evidence" of an arson case.

If we search the charred ruins of a fire and find the cash register in an unusual part of a building, we may determine that a large amount of silver money and/or bills and other articles of value will be missing from the cash register; and that scars on the door facings, locks or windows, indicate that the building has been broken into. We can assume that these facts indicate an arson to cover a robbery. We may also find a body and that an autopsy showed the person to be murdered. An attempt has been made to cover murder by fire.

We hope we have established a trend of thought in the search for and recognition of physical evidence. We have only scratched the surface of a broad subject. ★★★

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POLYGRAPH and INTERROGATION

The Integrated Control-Question Technique

By J. Arnold Cohen

ABOUT THE AUTHOR: *The author graduated from the University of Alabama with the L.L.B. degree in 1946. Completing the course of training in the Keeler Polygraph Institute in 1936, he became associated with Russell Chatham in Oak Ridge, Tennessee, where he engaged in personnel screening for the Atomic Energy Commission for two and one-half years. Mr. Cohen was President and General Manager of Leonarde Keeler, Inc., from 1953 to 1956 and Director of a nationwide polygraph program for Hargrave Secret Service from 1956 to 1957. Since that time he has been engaged in private practice as a Polygraph Examiner and Management Consultant.*

In September, 1953, the author originated the idea of a new control-question type test. In May of 1954 he was joined in necessary research of theoretical and actual case examination by an associate. Over 5,000 cases have now been conducted using this new technique. The author is indebted to other commercial examiners, for many helpful suggestions and constructive criticisms. A number of examiners have also utilized this technique or slight modifications of it.

It is generally accepted that the most responsible evidence of guilt indicated in a polygraph examination would be found through the use of the "Peak of Tension" type test. It is unfortunately noted that the P.O.T. type of examination is seldom available for use, especially in the field of commercial polygraphy, where the facts and issues of the test are already known to the subject prior to testing.

The Irrelevant-Relevant series technique was the general mainstay of the polygraph detection of deception method. The I & R method changed little until 1947 when, with the introduction of the Reid's "Known Lie," the question order and control levels were varied somewhat. However, the old idea of trying to find an unknown quantity (Guilt or Innocence) by measuring against unknown quantity (The Control) remains a difficult and time consuming procedure. The "Known Lie" of Reid was a great improvement over the I. & R. test, that lacked any type of proper controls. The Integrated Control-Question Technique attempts to eliminate the following drawbacks frequently found by examiners:

1. The difficulty of obtaining a verified known lie.
2. The time factor involved in obtaining an admission after each test, in order to verify and confirm reactions noted on the known lie. Also, the necessary rephrasing of the known lie after each admission that is made.
3. The antagonism and resentment of the subject toward the examiner that is brought by control questions which are irrelevant and unnecessary to the pertinent issues.
4. The associative stimuli present in most of the irrelevant questions used.

We shall now examine the structure, mechanics, and administration of the I.C.Q.T.

THE INITIAL TEST

When the issues of the examination are determined, and the relevant questions are framed, an initial test or original control test is administered. This original control test generally is a card test. The cards, eight or ten in all, should be of alternating suits and in numerical order. For example:

Ace of hearts, 2 of clubs, 3 of diamonds, 4 of spades, 5 of hearts, 6 of clubs, 7 of diamonds, and the 8 of spades.

The subject is then requested to draw a card and should be instructed, under no circumstances, should he divulge the identity of the color, suit, or number of the card to the examiner. He should merely answer "NO" to all ques-

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tions pertinent to the card. The additional stimuli of having the subject perform the mechanical function of writing the identity of the unknown card, may also be used. A polygraph test is then administered utilizing the following question pattern.

COLOR: Did you pick a red card? Did you pick a black card? Did you pick a black card? Did you pick a red card?

At this point it should be obvious to the examiner what color was involved. The subject is then questioned regarding the suits, thus:

SUIT: Did you pick a diamond? Did you pick a club? Did you pick a heart? Did you pick a spade?

If hypothetically our subject reacted to the color BLACK and the suit of CLUBS, we would then continue asking:

NUMBER: Did you pick the three of diamonds? Did you pick the two of clubs? Did you pick the five of hearts? Did you pick the eight of spades? Did you pick the seven of diamonds? Did you pick the four of spades? Did you pick the eight of hearts? Did you pick the six of clubs?

If the hypothetical card was the six of clubs, we would then have on one polygram four distinct reactions, namely, two regarding color, one regarding suit, and one with reference to numerical denomination. The first color reaction is often quite large. The remaining three actions diminish somewhat but have a fairly constant ratio to one another so as to enable the examiner to determine partial emotional reactivity of the subject.

The initial test has then afforded the examiner the following advantages:

1. A known lie of minimum gross reactivity without mental stress or strain. (In this hypothetical case the six of clubs.)
2. A reasonable idea as to the comparative degree of the reaction fade-out, i.e., the fade-out from the second color reaction to the suit reaction and from the suit reaction to the number reaction.
3. The relief of early general nervous tension due to machine fright, inasmuch as the subject becomes acquainted with test procedures, cuff pressures, etc.
4. A partial picture of reaction time and length of reaction to stimulus.
5. A readily available supply of irrelevant questions for the I & R series in the form of the other seven cards.

With reference to the last point, it has been noted on numerous occasions that subjects will react to various norm questions, such as, "Have you eaten breakfast?" "Do you smoke cigarettes?" or "Is your home in Chicago?" These confusing extraneous reactions are probably associative reactions and only serve to confuse the examiner. We have, therefore, generally eliminated their possible occurrence by the substitution of the irrelevant cards.

INTEGRATION OF CONTROL QUESTION TO I-R SERIES

After administration of the initial control test, the actual I. & R. test series may then be completed with reference to framing the question order. Returning to our hypothetical case, (we will utilize the act of pilferage) to relevant questions prior to I. C. - Q. T. would be:

1. Do you know who took the merchandise?
2. Did you take the merchandise?
3. Did you act in collusion with anyone to take the merchandise?
4. Did you profit financially from the theft?
5. Do you expect to profit financially from the theft?

It should be noted in the sequence of relevants the relationship of one question to another.

1. Do You Know Who? Suspicion and knowledge are interchangeable and the examiner must beware of hasty judgments with reactivity in this type of question. This question merely reduces associative shock that might appear on the direct accusative which is:
2. Did You Take? This question should produce the highest magnitude for innocent or guilty alike with reference to other relevants.
3. Did You Act in Collusion? Here we are pinning down the participants. If the direct accusative question No. 2 is not applicable to the subjects participation, then, question No. 3 would become the high magnitude question.
4. Did You Profit Financially? This question is a help in further establishing subject's participation or involvement in this specific act.

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5. Do You Expect to Profit? This question is merely an extension of question No. 4.

THE FRAMING OF THE QUESTION SERIES

1. First name:
2. Last name:
3. Do You Know Who:
4. Three of clubs:
5. Did You Take:
6. Eight of Spades:
7. Did You Act in Collusion:
8. Ace of hearts:
9. Did You Profit:
10. Four of Spades:
11. Do You Expect to Profit:
12. Two of clubs:

It should be noted that the order of norm cards does not follow color, suit, and number in sequence in conditioning on the part of the subject to their location and relationship of the card control to the relevant questions. We have now reached the point of insertion of measuring devices or controls. The controls fall into three classifications.

1. The card control or known lie without stress or strain.
2. The actual verified known lie.
3. The guilt complex control.

In the case of the card control we insert this yardstick directly following the highest magnitude relevant question. If a verified known lie is available, it may be substituted for the card control. The guilt complex control is integrated into the series after the known lie (or card control) but separated from it by a norm card. Thus, the completed I. & R. series would be as follows (still using the hypothetical pilferage case):

Norm question	1.	If your first name John?
Norm question	2.	Is your last name Doe?
Relevant	3.	Do you know who took the merchandise?
Norm question	4.	Did you pick the three of clubs?
Relevant	5.	Did you take the merchandise?
Card Control	6.	Did you pick the six of clubs? (or verified known lie)
Norm question	7.	Did you pick the eight of spades?
Guilt Complex	8.	About two weeks ago did you take X ..... from X ..... department? (Fictitious crime)
Relevant	9.	Did you act in collusion to steal the merchandise?
Norm question	10.	Did you pick the ace of hearts?
Relevant	11.	Did you profit in any way from the theft?
Norm question	12.	Did you pick the four of spades?
Relevant	13.	Do you expect to profit in any way from the theft?
Norm question	14.	Did you pick the two of clubs?

AN ALTERNATE SERIES IS ALSO SUGGESTED AS FOLLOWS:

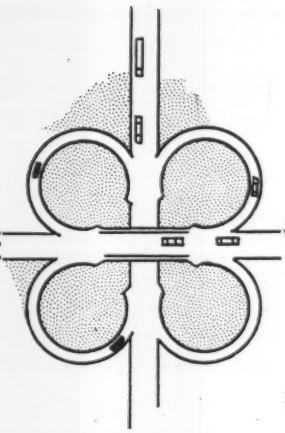
Norm	1.	Is your first name John?
Norm	2.	Is your last name Doe?
Relevant	3.	Do you know who took the merchandise?
Irrelevant	4.	Did you pick the three of clubs?
Relevant	5.	Did you take the merchandise?
Norm	6.	Are you a citizen of the U. S.?
Control	7.	Did you pick the six of clubs?
Norm	8.	Were you born in Chicago?
Guilt Complex	9.	About two weeks ago did you take X ..... from X ..... department? (fictitious crime)
Irrelevant	10.	Did you pick the ace of hearts?
Relevant	11.	Did you act in collusion to steal the merchandise?
Irrelevant	12.	Did you pick the four of spades?
Relevant	13.	Did you profit in any way from the theft?
Irrelevant	14.	Did you pick the two of clubs?
Norm	15.	Other than the card I asked you about, have you lied to any other questions on this test?

CHART INTERPRETATION OR DIAGNOSIS

It would be illogical for any guilty person (non psychotic or non psychopathic) to react more to a question such as "Did you pick the six of clubs?" than to a question concerning the actual theft of merchandise. Therefore, if the gross reactivity of the card control question is, with certain restrictions, greater than reactions shown in any of the relevant questions, we can obviously assume innocence of the subject. The restrictions mentioned earlier are necessary for the complete analysis of the card control so as to show whether or not the subject is forcing a reaction at the control point. These restrictions are that the card control reaction is of approximately the same magnitude as the last reaction of the original control test. The card control action of the second test has a proportionate fade-out to the card control reaction of the first test with similar degree of fade-out as noted in the original control test. If the card control reaction is greater than reaction shown for the relevants and the guilt complex question produces no response, then certainly no attempted deception can be assumed.

The I.C.-Q.T. offers certain advantages in the post-test interrogation, for when the guilty subject is known in the last test run, the examiner can indicate his knowledge of the subject's failure to deceive by repeating the high magnitude relevant question and following it with the card control. After three or four times it will be obvious to any subject that the card control was being used as a measure of deception; further, after rapport is established in the interrogation, it is quite easy to illustrate the lie reaction on the polygraph to the subject, showing the measuring device of the card control. This should absolutely convince the most hardened subject that the examiner has knowledge of the subject's deception.

In conclusion, the author feels that this new technique merits further consideration by the polygraph profession. It is hoped that this new method will be of benefit to the profession as a whole and in particular to the private examiner. The author invites other examiners to use this technique and make known their criticisms or suggestions, furthering the development of this method. ★★★



IN CASE YOU'RE TRAFFIC MINDED

What Makes Drivers Tick?*

By Dr. Jerome M. Kummer

About the Author: *Dr. Kummer received the B.A. degree from Wesleyan University and the M.D., degree at New York Medical College. Following internship with the U. S. Public Health Service, he served as Psychiatrist with the U. S. Army and Veterans Administration. He is a Diplomate of the American Board of Psychiatry and Neurology, a Fellow in the American Psychiatric Association and a member of the Medical Division of the Governor's Traffic Safety Conference in California.*

Dr. Kummer is currently engaged in private practice in Santa Monica, California, and takes time out of a busy schedule to serve as Assistant Clinical Professor, Department of Psychiatry, in U.C.L.A.'s School of Medicine; Consultant at Atascadero State Hospital, and Senior Attending Psychiatrist at Santa Monica Hospital. He is the author of numerous articles on the psychiatric aspects of abortion and psychiatric factors relating to safety. The following article is based upon a paper which Dr. Kummer presented recently during the 6th Annual Western Safety Congress and Exhibits, National Safety Council, Greater Los Angeles Chapter.

Innumerable factors go into making up a person's attitudes and behavior behind the wheel. Among the more prominent categories from which are created the way in which a driver will function at any given time are: (1) the culture in which he lives; (2) his emotional background; and (3) his current life situation.

It is necessary to preface this presentation by pointing out that this material is derived, for the most part, from the author's work as a clinical psychiatrist, in which capacity a relatively small number of individuals are studied rather closely; the observations are *not* the result of any extensive study of large numbers of people. The observations and conclusions of this discourse must necessarily await future validation by more comprehensive and objective investigations.

SOCIETY'S ROLE

The culture in which an indivdual develops may be likened to describing the setting of a story, background material if you please, upon which to develop a plot. In our story it involves a society, which has become intensively mobile, utterly dependent upon automotive transportation in industry, as well as the myriad of functions we rely upon our cars for everyday personal and recreational needs.

It is true that there are a number of areas, such as New York City and Chicago, where very efficient and low-cost mass, rapid, transit facilities cause the people to rely less on personal transportation, but, by far and large, an increasing reliance on such personal automobiles is becoming evident throughout the country. A much larger percentage of a working man's take-home pay is going towards transportation, and this means of transportation is taking on added significance in terms of horsepower, size, color, and last-but-not-least—price. In other words, the car has become a prestige item of the first magnitude, a way of allaying all-too-common feelings of social and personal inadequacy, of keeping up with the Joneses, and literally passing them by.

The automobile has become one of the more prominent socio-economical symbols of status and prestige. The manufacturers and their advertising agencies have gone to extremes to enhance whatever natural tendencies that may have existed along these lines, and appear to have thoroughly succeeded in their aim to convince the average American that an older car, one that is smaller, less powerful or less expensive will cause those around him to think less of him.

The advent of the automobile, furthermore, occurred in our society in a setting in which:

(1) *Very few satisfactory, direct outlets for deeper feelings existed, particularly angry or aggressive feelings.* It is amazing to see how little real communication occurs, particularly in family settings, but also in social and work situations as well. We tend to indulge in much "chit-chat" without any real "talking" or real "listening." It is believed that we would do well to encourage a more fundamental interchange of feelings in the various settings mentioned. While angry and aggressive feelings are the least well tolerated, other emotions such as sadness, love,

*Presented at the 6th Annual Western Safety Congress and Exhibits, National Safety Council, Greater Los Angeles Chapter.

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and happiness too, suffer a similar fate and become sidetracked.

(2) *Much confusion prevailed regarding sexual drives and acceptable outlets for them.* This is the big *taboo* of our society. Even with the increased attention to this topic in recent years, it is still one that is invariably met with a stony silence. Much work remains to be done towards the establishment of realistic, enlightened attitudes.

(3) *A man was not a man unless he could hold his liquor.* Excessive use of alcohol is widely recognized as an important factor in jeopardizing highway safety. It is a difficult problem to attack because the social use of alcohol is so firmly entrenched in our culture and the line separating temperate from intemperate degrees is only too often very obscure. Law enforcement is similarly hampered because of the drinking habits (not necessarily excessive) of law enforcement officers, with a consequent identification with drinking drivers, expressed as a smiling tolerance of these offenders.

(4) *The law was "for the other guy," and one was not really breaking the law unless he was "fool enough to get caught."* The number of traffic citations, aside from the many, many more who are not cited, gives strong evidence of the wide prevalence of these attitudes. While these are noted in all segments of our social structure, they appear to find increased expression in connection with traffic laws, especially speeding and disobeying stop signs. How many of us, while being taught to drive, were told by our law-abiding, God-fearing parents to look closely in the rear-view mirror regularly, to "look out for cops" if we were going too fast?

Many of society's attitudes are derived as composites of the attitudes of individuals, and are not always sound or healthy. In recent years we have all been appalled by the shockingly high incidence of highway death and maiming. Attempts to effect some control through the use of such devices as radar or unmarked patrol cars have met with strong resistance from automobile clubs and associations. It is as though these associations, which claim the highest goals for the protection of society, have synthesized the attitudes of many of their less enlightened members, as though they were saying, "Unfair—come out into the open, and give us an even break!"

Recently, through the efforts of one man, Governor Abraham Ribicoff of Connecticut, that state was able to achieve a most remarkable reduction in highway slaughter by publicizing, "Conviction for speeding means loss of license," and making it stick. There was, and still is, tremendous opposition to this program by the groups described above. New Jersey has recently embarked on a similar program, but it is doubtful, in this author's opinion, as to whether this could ever be put through in our western states, particularly California, because of the strong pressure groups opposing it.

THE INDIVIDUAL'S EMOTIONAL BACKGROUND

Approaching the question from the individual's personal development, provides us with a second perspective. The rearing a person received has an indelible effect on his overall personality, including the way he drives a car. The manner in which a person's driving is affected by his rearing may be separated into *direct* and *indirect*. The direct effects may be illustrated by the family's respect for the law, their driving habits as well as their drinking habits, and their general over-all attitudes regarding safety, courtesy and caution.

The *indirect* effects of an upbringing stem from family attitudes and actions toward the given individual. It has been found that persons who have received extremely strict and uncompromising treatment in their growing-up years, just as those who have experienced the extreme opposite, namely overly permissive "neglect," account for a large percentage of problem drivers. The foregoing group can be characterized as being immature and insecure; often they are noted to have increased amounts of aggressive feelings, or are lacking in ordinary suitable means of expressing any aggressive feelings, even those which might not be deemed excessive.

Special attention should be paid to the matter of feelings of sexual inadequacy and the manner in which these find expression in erratic driving habits. While it is felt that this has strong cultural determinants, as mentioned previously, this is a very prevalent problem, one in which many individual variations occur, pointing to the need for further attention to this area. Evidence of the use of automobiles as buffers for feelings of sexual inferiority is easily observed in our teen-age boys, and their preoccupation with their "hot rods," just as it is to be observed in their older brothers, and fathers, with their more sophisticated versions, now disguised with the more proper-sounding name, "sports cars."

Teen-age males account for a high percentage of problem drivers and are deserving of some special attention. A car in the hands of an adolescent boy serves as a natural outlet for the many pent-up conflicts raging within him, his desire to break free from the restraints that have "grounded" him through all those long years; his doubts and fears regarding his ability to physically and intellectually cope with the big outside world around him; his needs to be accepted by his peers, not to be considered "chicken"; the strange, intense sexual strivings, which confuse him, because he cannot talk about them, and practically any outlet he chooses for these drives is met with some taboo or another. The automobile, symbol of masculinity, mastery and power that it is, affords a good measure of temporary relief from the many anxieties confronting the budding man. This is basically a healthy mechanism, helping to keep the individual in equilibrium. That it often goes to extremes is only too apparent.

It is our duty to understand the adolescent and help him find more satisfactory outlets. Those involving his car should definitely find a place in any program. The car clubs and drag-strips operated under the auspices of the police and other civic-minded groups are excellent examples of such understanding in action.

The apparent death-defying antics of teen-agers in their

cars are important and interesting phenomena worthy of mentioning. Clinically it has been found that there exists in these individuals and some of their older counterparts an underlying extreme fear of death, which they are incapable of dealing with. The characteristic means of coping with this intense anxiety is by various means of denial, such as frequent joking about death and by these "brink-of-death" pursuits.

One must by now recognize that the above factors describing the relationship of a teen-ager and his car are by no means limited to that group, but may be found in "adolescents of all ages, even unto the eighth decade."

Intelligence, as might be expected, is more often associated with drivers having good records. Noteworthy exceptions have been encountered, however, wherein individuals having high intelligence have managed to chalk up very poor scores. In these cases we should be especially alert to the role of emotional factors.

CURRENT LIFE SITUATION

The current life situation is the third slant used in approaching the question. It is this area that appears to have been stressed the greatest by others, but it is this author's feeling that it is probably the least important, being analogous to a trigger mechanism operating in a medium that has been thoroughly prepared. The individual's health, his worries from home and job, the traffic situation—particularly that fellow who just cut him off—all impose themselves on the background we have laid in terms of his cultural and individual experiences, and like a complex card placed into a computer machine, will come up with a specific reaction to a given situation.

SUGGESTIONS

(1) *Extension of present driver-training and accident prevention programs.* The attitudes an individual brings from earlier years can be changed, if they are wrong, and reinforced, if they are correct. It is felt that driver-safety dollars go infinitely further in this area of prevention than in attempts to rehabilitate chronic problem drivers.

(2) *More recognition, particularly of a material kind, for good drivers,* such as significantly lower insurance premiums, and conversely, much higher premiums for those with poor records. Those involved in fleet programs should be encouraged to give more awards to drivers having outstanding records; such awards should preferably be tangible items, such as an inscribed watch or plaque, which can readily be shown to others, permitting the desirable effects to continue for an indefinite time afterwards. Good drivers must be given a greater proportion of the limelight, which until now has been monopolized by problem drivers.

(3) *Further emphasis on driving being a privilege, not a right, with stricter enforcement of sound traffic laws by both the police and the courts.* Governor Ribicoff could not have achieved his goals without a stricter control of the courts, which had previously been quite lenient and inconsistent. The morale of the police in that state was greatly improved with the realization that their efforts to enforce the laws would not go to naught. The matter of morale and prestige of our police is of fundamental importance in the promotion of highway safety. Suffice it to say that the attitude of the public towards their appointed protectors has been far from satisfactory, ranging from outward contempt to the more common place indifference. It has been said that one of the benefits derived from the advent of *Sputnik* was an enhancement of prestige and status of our educators, with a consequent improvement in the schools of our nation. What kind of *Sputnik* must it take to cause us to do the same for our police, to permit us to offer them better pay, to enable them to attract more superior men, so that they might function at a higher level, not only in promoting highway safety, but in all aspects of law enforcement and crime prevention?

(4) *Early detection and disposition of poor drivers, aided by suitable psychological tests currently being developed* at such centers as the University of Southern California and New York University. The U. S. Public Health Service has allocated funds to determine the treatability of chronic problems drivers. We may look to these and similar investigations for many important clues; it is expected that a major break-through will occur within the next year or two, outlining the characteristics of chronic problem drivers. Some preliminary observations have indicated that there is a high incidence of immaturity, unstability, nonconformity, and anti-social tendencies. Interestingly enough these are findings commonly found in habitual criminals. It is this author's opinion that such individuals will be found to prove highly resistant to any attempts at treatment. For the present it would seem that the most satisfactory means of dealing with chronic problem drivers is to keep them away from driving, until such time as we may have more successful methods of dealing with them.

Problem drivers are not only those who drive recklessly and erratically. There is another group, made up of people who seem on the surface to be model drivers, but who keep their cars in dangerous condition. The emotional characteristics of this group is less well known, but certainly bears looking into.

SUMMARY

Innumerable factors go into making up a person's attitudes and behavior behind the wheel; the culture in which he lives, his emotional background, together with the current life situation, all combine into creating the way a driver will function at any time.

Poor drivers are usually found to be immature, unstable, nonconformist, and anti-social. Difficulty in dealing with aggressive feelings is often noted, and poor drivers often use their cars as means of evading intense feelings of sexual inadequacy.

Some suggestions are offered for attempting to remedy the problems outlined. ★★★

Whether to Use Police Dogs

By Samuel G. Chapman

ABOUT THE AUTHOR: *Mr. Samuel G. Chapman is Assistant Professor at the School of Police Administration and Public Safety at Michigan State University in East Lansing. He has long taken a special interest in dog programs. He is the author of the book,* Dogs in Police Work, *published by the Public Administration Service. In presenting this article, Mr. Chapman feels that his position is perhaps to be seen as essentially more negative than positive. He has developed his article in such a way that the reader would be able to consider both positions, since Mr. Chapman feels that the positive aspects of the subject have been overdone in earlier literature. He does not feel that the pitfalls in the use of dogs are insurmountable and, as he says, "the writer contends that if a department has a need for dogs and is willing to work toward their use, there is every likelihood of success" with them. We know that Mr. Chapman would welcome your comments to his paper. If you will direct your letters to POLICE, we shall endeavor to publish those that are especially pertinent.*

INTRODUCTION

The dog is no "Johnny-come-lately" to the world scene. He has stood prominently in citations of mythology for thousands of years. The United States Marines may guard the streets of Heaven, but Cerberus, the most renowned of the mythical hounds, guards the portals of Hades. There is the mortally wounded Samr, the Irish hound of Scandinavian legend, who warned his master, Gunnar, of an impending attack by enemy legions. Surely, one of the Valkyries carried Samr's soul to Valhalla in the Norsemen's fabled Great Hall of Odin for such an heroic deed! And what true outdoorsman would not covet a hunting dog as able as Lelaps, Jupiter's companion, during duck, bird, or deer season? The dog has compiled a virtually unblemished service record during many of the world's wars—yet he has no good conduct medal, campaign ribbons, or battle stars to wear on his tunic. Indeed, the dog must be classified as a versatile creature who has won his place on the world scene.

On the American scene, about one out of every eight American families owns a dog. Furthermore, many American children have abandoned standard time in favor of "dog time" which is really getting to the television set on time to witness the exploits of such reknown canine TV stars as Huckleberry Hound, Lassie, Rin-Tin-Tin, and others. Rumor has it that some young genius is developing a combination catnip and old bone umbrella for use on days when it is raining cats and dogs!

If the dog is a prominent member of contemporary world society, is there a place for him in contemporary American police work? A review of the record, especially that of recent years, prompts an emphatic "yes."

In April of 1957, the Baltimore Police Department was the sole United States police force which used all-purpose police dogs as agents of law enforcement. Today, over four years hence, Baltimore uses almost fifty dogs and handlers to protect the citizens of that east coast port city.[1]

Many American police officials watched with considerable interest the developments in the Baltimore canine enterprise. Some sent observers to study and report upon the Baltimore program to determine whether a dog program could provide a solution to the problems of a constantly mounting crime rate with juvenile vandalism, vagrancy, and kindred other police conditions. Subsequently, several departments followed Baltimore's example and trained dogs for the police service. Today some fifty police agencies at the local, county, and state levels of government, use over two hundred all-purpose dogs.

CONSIDERING THE NEED

Instead of dashing blindly into any undertaking, especially a canine corps, a police force must base programming decisions upon a study of several factors. These factors seem to classify themselves into "good" or "bad" points, or advantages and disadvantages associated with the enterprise. As is human nature, it is not unusual that the positive aspects are heralded to the virtual exclusion of the flip side of the coin. In the case of using dogs, the limelight has been focused more on the advantages while any disadvantages rest in a half-light in the wings. Recognizing the disproportionate focus, this article directs attention, before a force reaches a decision on the use of dogs, to programming difficulties which should be identified as inherent in a canine corps. Although the presentation fails purposely to highlight the positive aspects of dog use, one should not conclude that the varied pitfalls are unsurmountable or, in themselves, constitute sufficient obstacles which rule out the rational for using *dogs.*[2] Where useful, germane citations from persons or organizations are presented.

CRIME IN THE CITY

A city must study its local crime problems, for they may not be of a nature which are susceptible to control by dogs. Furthermore, some cities are of a character where there exists little need for supplementing with dogs the present patrol enterprise.

For example, police dogs can neither control "white collar" crime nor apprehend and cite the erring motorist or overtime parker. Obviously, cities with a preponderance of these and kindred problems should

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rule dogs out as effective enforcement agents unless, unhappily, there exist other unusually unwholesome conditions which lend themselves to control by dogs. Also, communities which are by character "quiet" will find that dogs are of little value other than to provide officers with companionship and to assist in an occasional arrest. In this sense, Dearborn, Michigan's dogs and handlers were assigned to foot patrol at night in business districts and parks and that:

> The dogs apparently performed satisfactorily, but Dearborn discontinued their use of dogs in February, 1956. They claimed that the contribution they made to the police effort did not justify the operating costs and the administrative problems which were encountered. Also, they felt the character of their city (which consist of 96% homeowners, with very few drifters, and virtually no juvenile or gang problems) did not render itself to the use of dogs.[3]

The Detroit Police Department used dogs on two different occasions (1917-19 and 1928-41) but without marked success. A rhetorical newspaper account of the program reports in part:

> Detroit tried again in 1928 and bought 12 dogs. The results put the police in the doghouse.
>
> The officer dog teams were assigned to patrol the large residential areas near Palmer Park.
>
> Officers would unleash their four-legged partners and send them to investigate suspicious noises and shadows.
>
> Running to the source of yells and growls, police sometimes found a shaken and torn suspect guarded by a proud dog.
>
> Most of the shaking suspects were not burglars—just husbands trying to go quietly from garage to bed without arousing wifely wrath.[4]

Detroit's use of dogs primarily in exclusive residential areas should prompt conjecture of why the program proved effective and whether or not the city received full benefit from the specialized unit. A good question would be how successful the program would have been had the assignment emphasis been reversed and the officer-dogs teams been used primarily in crime-prone, troubled, reputedly "tough" areas.

THE MISSION OF THE FORCE

An agency's primary purpose will have a direct bearing on the question of using dogs. This is especially true in the case of state highway patrol departments and, to a lesser and varying extent, in state police and sheriff's departments. The following citation illustrates this consideration:

> The primary duty of the California Highway Patrol is traffic law enforcement and members only function otherwise when other types of offenses are committed in their presence or when requested by other departments to assist; therefore, assaults, burglaries, and muggings, etc., are handled only in rare instances by California Highway Patrol officers.
>
> The value of dogs being used by traffic officers would lie in the fact that the dog would provide protection for the officer and not necessarily be used for the apprehension of law violators. Dogs used by other police agencies are generally on leash and are seldom released; however, dogs used by a traffic officer would have to work off leash and it would not be practical to have the dog by his master's side due to the hazard of vehicles upon the highway. The effectiveness of the dog may be lessened somewhat because he could not be permitted on the highway side of the vehicle. Upon making a stop the dog would have to be let out of the patrol vehicle on the right side, and preferably take up a position on the right front side of the patrol vehicle. In this position the dog would prove valuable by keeping any would-be assailant in the apprehended vehicle. Conversely, the dog would not be of any assistance to the officer if the assault i.e., shooting) initiated from within the suspect vehicle. While a large number of felony arrests are made by members of the California Highway Patrol, particularly of wanted persons using the roadways, the traffic officer does not consistently encounter the criminal element to the extent that do city and county law enforcement officers. The majority of the traffic officers' contacts are with the average citizen.
>
> Another important factor that must be considered is the amount of time the dog would have to spend in the patrol vehicle. In some remote areas where the traffic volume is not great, the dog would have to remain in the vehicle for long periods of time. At the scene of an accident, the dog would have to remain in the vehicle; often the traffic officer is removed from the immediate vicinity. The danger here lies not so much in what the dog might do as to what some-

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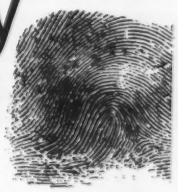

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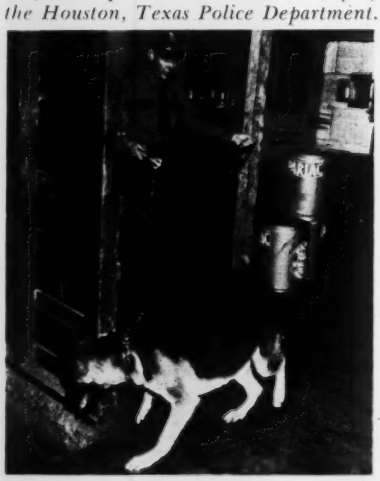
Police dogs enjoy the companionship of family life, too, during "off duty" hours. Photo courtesy of the Stockton, California Police Department.

one else might do in regard to teasing or aggravating the dog in the absence of the officer. Many times in these remote areas, it becomes necessary for the officer to transport injured victims of an accident. A dog in the patrol vehicle would limit the amount of space available.[5]

County and state police agencies, which are charged with broader police responsibilities than a state highway patrol, must consider the type and character of the area which their police units must patrol in relation to a need for dogs. For example, some areas may be heavily or essentially industrial, commercial, run-

Warehouse, loft, and similar searches of enclosed areas are a police dog specialty. Dogs account for many felony arrests which may be inadvertently missed by uniformed personnel. Photo courtesy of the Houston, Texas Police Department.



down, or densely populated and by their very character warrant further consideration of dog use. On the other hand, essentially rural, sprawling, sparsely populated, or middle and upper class dormitory or residential areas rarely have the plethora of problems where all-purpose dogs may consistently serve to advantage. The early experience of the Pennsylvania State Police illustrates this concept:

> For six years prior to 1937, German Shepherds were used on general patrol duty. The main reason for taking them off general patrol duty was the problem inherent in supplying and supervising dogs for the large geographical area policed by the State Police. Another reason was the tremendous increase in the number of motor patrols without any concentrated crime areas in which to place the dogs.
>
> They [the Pennsylvania State Police] did recommend the use of the dogs for the small police departments in heavily populated areas.[6]

NEGATIVE PUBLICITY

Many police executives, city managers, mayors, and other officials are aware that even one instance of the imprudent use of dogs may betray whatever favorable public image the police may have constructed earlier for a canine corps. Indeed, adverse publicity could compel the chief to terminate the canine program, resulting in the loss of time, money, and planning previously invested in the program.

Mass public communication media hastily high-light unique aspects of certain public occurrences. Such head-lining, regardless of whether or not intentional, sometimes focuses undue or completely misleading emphasis upon some aspect of the occurrence which is really an insignificant part of the whole. Thus because of slanted emphasis, the public may receive a completely erroneous impression of what actually occurred. It may be argued that this was the case when the presence of police dogs was emphasized at the Jackson, Mississippi, sit-in hearings in March, 1961. The incident outside the Jackson courtroom, regardless of the real or fancied aggressive acts of the dogs and handlers, should remind police executives

A police dog "gives voice" after he ha found a run-a-way boy in a thickl wooded rural area. Photo courtesy o the Lancashire, England Constabulary.

that they must review carefully th types of incidents which dogs would attend, and consider the role whic the dog-handler teams should b asked to play in the total law en forcement spectrum.

LIABILITY AND INSURANCE ASPECTS

Cities considering the use of dog must ask themselves, "What are th liability issues involved should on of our trained dogs attack and injur an innocent person or destroy prop erty, and is insurance available whic we may purchase to protect us fro the results of such an eventuality? Chief of Police Thomas J. Cahill o

Dogs discourage many crimes of stealt and make arrests which clear up man of those not prevented. Photo courtesy o the Lancashire, England, Constabular

San Francisco, California, highlights this aspect of using dogs by writing:

> Man, it has been stated, is the only animal possessing "reason." Once a highly trained dog has been unleashed, it will perform as trained. This could have far reaching effects if the dog were ever to threaten or injure an innocent person. In police work, the dog is trained by and works with only one man, his master. When the master is not working, the dog is also off duty, so we have a dog that works a 40-hour week and has vacations.[7]

The answer to these questions is elusive. In fact, it is easy to find a variance of opinion from city to city and expert to expert concerning liability and insurance aspects of a dog program, even within th same state. The California Assembly Interim Committee on Governmental Efficiency and Economy on Using Dogs in Police Work addressed itself to this question in December, 1959 in Los Angeles. In order to find an answer, the Committee consulted police departments, which were then using dogs, as well as its own legislative counsel. On these issues, the report states:

> The findings are that the police department is not liable as long as the dog is well-trained. The dog falls into the category of accidents which might happen if a policeman accidentally shoots the wrong man. The same liability insurance that covers the departments for the use of guns would cover them in the use of dogs.
>
> A few departments have not been satisfied with this inherent coverage and have purchased additional insurance. The cost? Less than $10.00 per year. The objection that it would be too expensive because of potential liability is the biggest myth used against proposed police-dog programs and is entirely without merit.[8]

The Interim Committee's finding appears sufficiently clear and conclusive. However, as with almost all issues, there is a dissenting point of view. It was succintly presented by Deputy Chief Roger E. Murdock of the Los Angeles Police Department when he testified at the invitation of the Interim Committee:

> Finally, with apology to the Committee's Legal Counsel, we must recognize that there are definite legal hazards which are inherent if dogs are used in police work. While there are apparently no statutes in the State of California bearing directly on the subject, the consensus of legal opinion that I have been able to measure suggests that the governmental agency, as well as the individual officer, is subject to added potential civil liability if dogs are used and personal injuries result.[9]

Searching broad, open areas for persons, bodies, or discarded property results in a thorough check and a savings in manpower. Photo courtesy of the Lancashire, England, Constabulary.

Thus, a department which ponders the liability and insurance implications of a dog use will find no universally accepted maxim to follow. Such a dilemma does not automatically rule out a program, however, for many agencies have adequately protected themselves against all eventualities.

DOGS, HANDLERS AND TRAINERS

Once a city has considered such preliminaries as a study of the crime and characteristics of the community, the mission of the force, the negative publicity factor, and aspects of insurance and liability, it must determine if there are adequate dogs, handler candidates, and competent trainers available to warrant further considering the development of a canine program.

Dogs suitable for a canine corps may be obtained from public-spirited citizens who wish to donate them for police use, purchased from professional dog breeders, bred in a city-owned kennel, or purchased from another police agency which breeds and uses dogs.

For a dog handler to perform successfully, it is essential that he possess a liking for and an understanding of his dog, and be alert and capable of controlling the dog under all conditions. Therefore, recruitment of dog handlers should be placed on a voluntary basis and only those officers demonstrating sufficient interest and desire to volunteer should be considered for the assignment. By virtue of the voluntary participation principle, a department's pre-program planning should include a survey to determine whether there are enough patrolmen who really want to be handlers. The person conducting the survey must be aware that many men may express an interest, but their interest may be mere fancy, desire for a short-term change, or some other manifestation which leads the man to seek a brief interlude from routine. Obviously, such officers must not be counted as likely handler material.

Finding a competent dog trainer presents some pitfalls. The man who buys a ticket to the ball park may consider this his license to manage the home town baseball team. Because he once played sand lot ball, he feels qualified to judge player competency, criticize trades, and overrule the decisions of an umpire. The same attitude may be found in the field of police dog training. The man who has always owner a dog may feel himself unrivaled in this respect.

Regardless of the fact that millions of Americans have at one time or another owned and trained family pets, few persons are fully competent to train dogs for police service. Former

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military dog handlers may claim competence in police dog training, but be largely ignorant or essentially unconcerned with the fundamental concepts of the civil police dog training needs in contrast to the military goals. Pre-program training (and refresher training, too) is a factor of prime impact on the success or failure of any program. A "bargain basement" training program can cause irreparable harm to the police enterprise in the community.

Even though well-qualified trainers are few, American police agencies have met the problem in several ways. Some departments have generously consented to train dogs and handlers for other agencies. The London Metropolitan Police consented to train the first five St. Louis dogs and handlers and might be amenable to providing similar assistance to other cities. The St. Louis officers are so well trained that when they returned to this country they were able to establish a training program which serves not only St. Louis, but many other departments. Well-qualified local trainers, local kennel clubs, and private kennelmasters have been responsible for police dog and handler training in several American programs.[10]

COMPLICATE POLICE MANAGEMENT

The police management team must recognize that the creation of a canine corps will introduce some unique problems which are directly associated with the new enterprise. While many of the problems prove irritating, they are at least challenging. The management group that is unwilling to face pitfalls will likely rule out a canine corps and not study the real potential of a dog program.

A report from the Portland Police Department, after using dogs for one year beginning April, 1956, illustrates the variety of problems which administrators could encounter:

> A dog will only work with one officer. The training between the officer and the dog must be continual. There is no way to overcome the administrative difficulty of having a dog's trainer promoted or leave the service. Only time can allow a dog to forget his old master and adopt a new one. None of the dogs were trained specifically for tracking purposes. They were trained to search a building or other area in the manner of a bird dog, by quartering back and forth until the suspect was found or the area searched with no results. These dogs were trained to attack only on command with two exceptions. First, any attack on the handler of the dog was considered an automatic command for the dog to attack in his master's defense. Secondly, the dog will attack any person who is wielding a weapon. On walking beats where a greater than ordinary percentage of intoxicated persons must be dealt with, we found the dogs a hindrance rather than an aid. Since the dogs were trained to come to the instant defense of their handler, scuffles with drunks found the officer with his hands full trying to keep the dog from biting those persons.
>
> The use of dogs in cars also posed a problem. Other men did not want to work in a car which had been used by a man-dog team because of the cleaning problems and odor. Since we were not blessed with enough vehicles to have one assigned for the use of dog teams alone, this created a morale problem.
>
> It is our feeling that the dogs tied up manpower rather than alleviated the manpower shortage. Among other things, the dogs were city owned and we maintained a city kennel. I understand some of the city police using dogs have the handlers take the dogs home and kennel them there. I would not be in favor of such a plan in Portland since these dogs could be dangerous due to their training and certainly cannot be considered as pets.
>
> We found that in many instances the dogs were a hindrance rather than a help to the officer handling them and there was considerable doubt in our minds as to which end of the leash the officer was on.[11]

An excerpt from a California Highway Patrol report illustrates still other problems of management:

> Inclement weather throughout many parts of the State would tend to limit the effectiveness of dogs. Freeways and congested highways are further points that must be taken into consideration. What will be the disposition of the dog if the man is assigned to a motorcycle, or receives a transfer or is promoted into an area that is not conducive to the use of dogs? It is recognized that a dog may be assigned to another handler, but it remains possible that the dog may not perform as well for the second handler. Policy regarding compensation of the officer for expenses and time expended must also be resolved.

Finally, other unique administrative eventualities which must be recognized in pre-program planning include what happens to a program when a police chief retires, or a sheriff is defeated in an election, and if the administrative successor does not fancy dogs for police duty—if for any

reason! All of these circumstances have resulted in program terminations.

The unique management aspects of dog use can be met and handled judiciously or overcome as is illustrated by the extent to which dogs are used by many American police agencies.

COST

At first glance, the cost of operating a canine corps appears negligible. In fact, some police programs report their annual expenses are only about $200 per dog. Upon closer examination, one finds that this figure represents only such expenditures as food, equipment, and veterinary care and that the true cost picture is much more imposing.

Viewed unemotionally and objectively, a dog program involves many costs beyond the mere feeding, equipping, and caring for an animal. In fact, a department must consider the purchase price of the dog, the cost of handler personnel, equipment, grooming, the training (both initial and refresher) associated with the program, and the cost of special transportation and communications devices required to make the program more effective. Finally, there is the cost of administration, clerical help, insurance (if additional coverage proves necessary), and equipment depreciation, replacement, and maintenance.[12]

Experience has shown that unless a department is willing to fully underwrite the cost of a canine corps, it is unwise for a police department to consider the use of dogs in spite of the positive contribution which they may make to law enforcement. At least two American programs have been terminated for want of adequately appropriated funds, even though the police were generally satisfied with the results of the canine enterprise.

CONCLUSION

This article has been more negative than positive; it has dealt more with the pitfalls than the virtues inherent in using dogs in police work. Yet the article does not indicate that the pitfalls are insurmountable, and the writer contends that if a department has a need for dogs and is willing to work towards their use, there is every likelihood of success. We do not contend that every department should use dogs. Each department must seek its own answer.

This article is intended to advise planning teams to thoroughly study these questions on dog use and to seek careful solutions. If a force undertakes a canine program and it is more effective because of this article, we shall be pleased to hear of it, and would appreciate further comments and suggestions.

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REFERENCES

[1]For a complete discussion of both the earlier foreign and domestic police use of dogs, see Samuel G. Chapman, *Dogs in Police Work*, (Public Administration Service, 1313 East 60th Street, Chicago,) pages 5-36.

[2]The process of departmental planning for the use of dogs and the internal organization and operation of a canine corps is presented in *Dogs in Police Work* on pages 55-80.

[3]California State Legislature. *Canine Police, A Progress Report of the Assembly Interim Committee on Governmental Efficiency and Economy on Using Dogs in Police Work*. Sacramento: California State Legislature, 1960, p. 140.

[4]*The Detroit Free Press, March* 7, 1961, p. 33.

[5]Information obtained from correspondence with Commissioner Bradford M. Crittendon of the California Highway Patrol in March, 1960.

[6]California State Legislature, *op. cit.*, p. 140.

[7]"Genus Canis—Prima Facie, When Where and If to use Police Dogs," *The Police Chief XXVII* (May, 1960), p. 8.

[8]California State Legislature, *op. cit.*, pages 110-111.

[9]*Ibid*, p. 123.

[10]In addition to St. Louis, the Baltimore Police Department has trained dogs and handlers from other departments and may still be willing to do so. The Houston, Texas police dogs and handlers were trained by private experts—Harvey Richards and Mrs. June Sutter. Mr. Terrence P. Cahill, formerly trainer of the London Metropolitan Police, now trains the Washington, D. C. canine corps.

[11]U. S. Conference of Mayors. *The Use of Dogs in Police Work*. Washington, D. C.: Research Reports, United States Conference of Mayors, 1960, p. 4.

[12]For a more revealing discussion and summarization of the cost implications of a dog program, see *Dogs in Police Work*, pp. 59-64. ★★★

Hypnosis: A New Tool in Police Work

By Harry Arons

ABOUT THE AUTHOR: *The author has been active in the field of hypnosis for nearly thirty years, both as an instructor and as a consultant to the medical, dental and law-enforcement professions. He was probably the first hypnotist to start courses for doctors and is at present Director of the Ethical Hypnosis Training Center in Irvington, New Jersey, and a member of the professional instruction team of Scientific Medical Hypnosis Seminars.*

He helped found the Association to Advance Ethical Hypnosis, and has been the organization's Executive Secretary for the past five years. Mr. Arons is also Editor of Hypnosis Quarterly, *and served as chairman of the committee which founded the first Guidance Clinic for Retarded Children.*

Currently the author has been making efforts to advance the use of hypnosis in law-enforcement. In the fall of 1959 he conducted the first class for law-enforcement officers exclusively and at present is conducting the (third) class.

Does hypnosis have a place in police work?

Let's look at just a few of the many cases in which hypnosis has already been used in law-enforcement to see if we can find an answer.

At 4:00 p.m. on Monday, December 22, 1958 a man walked into the office of Sheriff Dave Starr, of Orange County, Florida and stated that he was unable to remember his name or address. In fact, all he could recall was being awakened at the side of a lake with a fence around it by a man who told him he ought to move on.

Only the previous Friday, I had demonstrated hypnosis for Sheriff Starr and his detectives. Recalling this, he phoned my associate Joe B. McCawley of Orlando, and asked for his help.

Several hypnotic sessions during the next two days revealed the man's name to be "Joe Ran." Under hypnosis, he recalled that he had been struck by a small foreign car with Connecticut license plates, on the morning of December 22. The female driver of the car had offered to help but he had said he was not injured. Later, he felt dizzy, wandered over to the lake-side and passed out.

He gradually recovered his memory of everything prior to his accident and an FBI report confirmed everything but his name. Actually, his name was revealed to be Joe Rand Bond; this item seemed to be the most difficult thing for him to remember.

On Saturday, April 28, 1957, hypnotist Julian A. Arroyo, Jr., was called in by the Dade County, Florida, sheriff's office to hypnotize the alleged "kiss-or-kill" rapist Rudolph Valentino Herring. The subject, under hypnosis, was regressed to the morning of the murder; immediately he started relating the events of the morning of the murder. However, when he came to the point of his meeting with the victim he became disturbed, whereupon he was promptly awakened *without* any suggestions of confessing or even of remembering post-hypnotically. Nevertheless, upon routine questioning in the full waking state, Herring not only remembered everything but proceeded to lead detectives to the scene of the crime and to reconstruct it in detail. Hypnosis broke what was considered to be a case of retrograde amnesia. Herring was later adjudged insane and committed to a state institution.

Within a six-month period this past year I was called in on seven police cases. In one of these, a twelve-year-old boy had witnessed a hold-up and was able to recall the first two numbers of the license plate of the getaway car. However, the pressure of the interrogation by prosecutor's detectives confused him to such an extent that after a while he was no longer certain even of those two numbers.

This boy proved to be a somnambule (a deep subject). Under hypnosis he was able to recall many details of the event that he had not related previously. At first, he was not questioned about the license number at all, for fear that his confusion would prevail in hypnosis. Finally, when it was felt that his mind was quite clear due to the relaxed method of questioning, we approached the crux of the problem. The boy was asked to visualize a blackboard; he was told that one section of the blackboard was covered with a dark velvet cloth and that this cloth hid an "important license plate." In a moment, he was told, the cloth would be whisked aside, whereupon he would call out immediately the number that he would see on the plate. When the cloth was removed he called out the number without the slightest hesitation. This number was checked and found to belong to a car which had been stolen for the hold-up and returned to its parking place without its owner's knowledge that it had been missing.

A pretty divorcee confessed to shooting a loan company operator who had gone to her home to collect a loan. Claiming self-defense, she tried to implicate her boy-friend by saying that he had helped her dispose of the body. The boy-friend pleaded innocence, claiming that he had been at work in a mine at the time and offering to undergo a polygraph examination to prove his point. Because of his extreme nervousness, however, the polygraph examination was not considered conclusive by the examiners. I was called in at this point, at the instigation of the examiners.

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The man was a light subject, so interrogation under hypnosis was of little help. However, the hypnosis relaxed him so completely that he was able to undergo another polygraph examination post-hypnotically which elicited fully reliable tracings. On the basis of this examination, the examiners believed his story. His bail as material witness was reduced and he was subsequently fully exonerated.

Hypnosis can be put to work for the defense as well as for the prosecution, of course. In a California murder case, the attorney for Paul Le Clair Conrey called in a hypnotist, Richard Mikesell, to hypnotize his patient out of his alcoholic amnesia for the events of the crime of which he was accused. Clearing his memory enabled the attorney to reconstruct the crime sufficiently well to induce the jury to return a verdict of second degree manslaughter rather than first degree murder, thus saving Conrey from the gas chamber.

LIMITED BUT DEFINITE USEFULNESS

Emerging facts clearly show that hypnosis has a definite place in police work, though its usefulness is by no means unlimited. Its use on an uncooperative suspect in a major crime is questionable, though by no means impossible. For example, I was called in by a county prosecutor's detectives to examine a young man who was suspected of a series of muggings and a murder. He had been subjected to the polygraph already, but the results seemed to indicate that he was trying to jam the tracings by means of imperceptible muscular reactions.

He readily agreed to hypnosis—and proceeded to fake the trance! While it was obvious to me that he was faking, sufficiently clear-cut proof of this was lacking. Obviously, hypnosis in this case was not indicated.

Hypnosis is most useful on witnesses who are cooperative, or on suspects who are innocent and wish to clear themselves of the charges against them. In some cases a suspect may be guilty, but because of alcoholic, retrograde or other types of amnesia he may lack recall of what he had done.

"DISGUISED HYPNOSIS"

Even in cases where a suspect is guilty and un-cooperative, it may be possible under certain conditions to hypnotize him without his awareness that he is being hypnotized. This cannot be done against his will; he must agree to undergo some procedure, which may be a hypnotic procedure in disguise. As an example, the interrogators may say that he is obviously too tense and nervous for questioning and offer to relax him first; this procedure may be done by a "doctor" or a "psychologist" in private. Once hypnotized, an "autonomic lie-detection response" may be created and later used while interrogating him in the waking state. Should the subject become aware of having been hypnotized, however, this fact may be used by the defense in a charge of coersion or undue influence. The prejudice still attached to hypnosis might seriously endanger the prosecution's case.

The "Autonomic Response" Lie-Detection Technique:

The following case appears in my new textbook on hypnosis "The New Master Course in Hypnotism" which is scheduled for release shortly. It may well be adapted for use in law-enforcement:

A forty-five-year-old woman accused a physician of making improper advances to her while she was under hypnotic treatment and threatened to prosecute. The doctor had tape-recorded all sessions with this patient without her knowledge; his attorney consulted with the woman's lawyer and all concerned agreed to subject her to a hypnotic lie-detection examination. I was called in to set her up for the "autonomic response" technique which I had originated, and which I had first publicly demonstrated at the Third Annual Convention of the Association to Advance Ethical Hypnosis in 1958, at the Statler Hotel in New York.

Under hypnosis, she was told to develop an uncontrollable twitch of her right fore-finger whenever her right wrist was touched. When this worked repeatedly, she was told to have the same reaction at the count of "three." Both touch and count were given repeatedly until the twitch of her fore-finger was absolutely uncontrollable. She was even unable to resist the twitch when told to try as hard as possible. She was not given any idea of the purpose of this experiment. Then she was given the following post-hypnotic suggestion:

"When you are awake, EVERY TIME YOU LIE your right fore-finger will twitch just as it does when I touch your wrist, or when I say 'three.' You will be completely unable to control the twitch, no matter how hard you try; in fact, the harder you try to control it, the more violent will be the twitch."

Then she was awakened and the lawyers asked her the pertinent questions. She continued to lie—but her tell-tale finger gave her away unmis-

takably! Naturally, her lawyer dissuaded her from taking her accusations further.

It is easily conceivable how this technique might be applied to police work. A suspect might be hypnotized indirectly (in disguise) and set up for the "autonomic response." He may then be told to have amnesia for the events of the trance and awakened. Perhaps hours later (how much later would depend on his depth of trance) he may be interrogated routinely; every time he lies, the fact is obvious to the officers. And the suspect may be fully unaware of the behavior of his tell-tale finger!

Hypnosis in any field has its critics. Hypnosis in law-enforcement is no exception. The principal objections are as follows:

1. *A subject may give false information.* Dr. Bruce Alspach, President of the Greater Miami Society of Psychiatry and Neurology, said, following the confession of Rudolph Valentino Herring: "Hypnosis is essentially a form of high-powered suggestion. A hypnotizer is able to get from his subject, not only the information, but just the information he wants. Unless the hypnotizer is careful not to suggest answers, the subject is apt to say just what you want him to say." He calls such tendencies "wish fulfillments," implying that a criminal suspect may deliberately put his neck in a noose as a kind of suicide attempt.

While suicidal and self-destructive acts are not unknown, it is extremely unlikely that hypnosis can precipitate such acts. If a suspect, for example, wanted to confess to a crime he did not commit, he would do so without recourse to hypnosis. His confession, however, would never be taken at face value; it would always be checked out by responsible investigators. A hypnotic confession would naturally be subjected to similar critical evaluation. The fact is that under hypnosis a subject is only too aware of being in danger; he almost instinctively protects himself against the slightest possibility of harm. While under ordinary circumstances in which his safety is not threatened (such as in the "Bridey Murphy" case) the subject may "make up stories" upon the hypnotist's urging, when it "comes down to brass tacks" an innocent person will not say or do anything that would tend to incriminate him. Dr. Alspach's ideas on this subject seem to be just as antiquated as his use of the term "hypnotizer."

Dr. Ben J. Sheppard, Dade County's medico-legal adviser, and Sheriff Thomas J. Reilly, both stoutly defended the use of hypnosis in the Herring case, asserting that the confession was valid.

Other backers of hypnosis in police work are Dr. Samuel R. Gerber, County Coroner, Cleveland, Ohio; and Dr. Deszo Levendula, who lectures on scientific law-enforcement at the well-known Law-Medicine Center of Western Reserve University. Both Gerber and Levendula recommend hypnosis as an excellent means of creating "hypermnesia" – the accentuation of the ability to recall—in the questioning of witnesses to crimes.

2. *A subject may lie under hypnosis.* This is the second major objection, one that seems to contradict the first. This objection is valid: a hypnotized person can lie under hypnosis if it serves his interests best. However, because his ability of critical reasoning is impaired during the hypnotic trance, it is rather easy to trip him up via normal interrogation techniques such as rapid fire questioning. Moreover, in this area the "autonomic response" technique would be especially useful.

3. *A subject may fake hypnosis.* A subject may indeed pretend that he is being hypnotized and then proceed to give answers that would best suit his purpose, hoping that those answers would be accepted as the truth.

The first precaution an experienced hypnotist takes is checking the authenticity of the trance. This is really very easily accomplished. The hypnotic state has various degrees or levels; certain phenomena are known to occur in the various stages of hypnosis. A subject would have to be extremely well-versed in the science of hypnosis to be able to fake the trance sufficiently well to fool an expert operator. The possibility exists, however; the arguments for and against the polygraph apply equally to hypnosis.

4. *A subject may resist hypnosis.* While this objection is usually given last, it is actually the only truly valid one. The simplest recourse for a suspect is merely to resist being hypnotized. No hypnotist can do much without the subject's cooperation. Should the interrogators expect the suspect to resist, the best procedure for them to follow would be to avoid mentioning hypnosis at all and try to induce the trance through a disguised method. Should this fail, the direct approach can always be tried later.

5. *Hypnosis is dangerous.* This line has been taken lately by the psychiatrists, whose main objective, now that the AMA has seen fit to endorse hypnosis, seems to be to corner hypnosis as an exclusively psychiatric tool and to discourage other doctors, to say nothing of laymen, from using any kind of "practical psychiatry" or self-help system. The vast majority of authorities in the field, however, consider these dangers grossly exaggerated. A true picture of the situation is available in an article entitled "Whither Hypnosis?" by Dr. Maurice E. Bryant, in Volume VI, number 2 of *Hypnosis Quarterly*. Reprints of this article may be obtained by writing to *Hypnosis Quarterly*, 10 Washington Avenue, Irvington, New Jersey.

CAN HYPNOSIS CAUSE CRIME?

Hypnosis makes an excellent scapegoat, and the press is always ready to headline anything which even remotely smells of hypnosis.

Several years ago a Danish ex-convict, Bjoern Schouv Nielsen, was sentenced to life imprisonment for forcing another ex-convict, Palle Hardrup, to rob banks and shoot two bank employees. Nielsen supposedly achieved "psychological dominance" over his cellmate by hypnosis and "other means." When Hardrup was caught he was found to be mentally

subnormal and extra-sensitive to hypnosis and "other psychic influences." The jury which found Nielsen guilty released Hardrup because they felt he was not responsible.

Actually, Hardrup was a mental weakling, the kind who is always readily "used" by "boss" criminals. Neilsen undoubtedly dominated him in every way, but it is extremely unlikely that hypnosis played an appreciable part in this "psychological dominance." Hypnosis is the scapegoat!

More recently, in the case of a bomb explosion on an airliner, a naturopath by the name of Spears was suspected of forcing or tricking another person into taking a loaded suitcase aboard. Because Spears had taken a course in hypnosis, the conjecture that he might have hypnotized the suitcase-toter was given free play in the press! Hypnosis the scape-goat!

About ten years ago, a Negro walked into a police station with the complaint that two men had stopped him on the street, hypnotized him, forced him to withdraw his life savings of $2,000 from the bank and to give it to them. I obtained permission to question the man.

I requested his permission to hypnotize him in order to "get at the truth." He was reluctant but finally agreed when I hinted that his refusal would cast suspicion on him. In testing him for susceptibility, I found the man so mentally deficient as to be unhypnotizable. Confronting him with this fact, I asserted that he could not possibly have been hypnotized by the "two men." Whereupon he admitted that he made up the story to hide from his wife the fact that he had taken the money himself. What happened to the money? He put it "on the nose" of a "sure thing." Hypnosis the scapegoat!

HISTORY-MAKING PRECEDENTS

The principal limitation of hypnosis in law-enforcement is the fact that the courts do not accept evidence elicited by hypnosis, just as they refuse to accept polygraph results. In a recent case in Cook County, Illinois, a defense attorney attacked evidence against his client produced via hypnosis as "incompetent as if it came from a mentally ill or insane person." The judge, concurring, termed the prosecution's use of hypnosis as "witchcraft," "hocus-pocus" and "manipulation of a witness." A newspaper described it as "a form of illegal search and seizure of the brain." Other court rulings have referred to hypnosis as "unorthodox," "coersive," and "mystical hocus-pocus." "Hypnotism," said Judge Thomas E. Kluczynski in a Chicago kidnapping case, "is not an exact science." He compared hypnosis with the lie-detector.

I should have liked to ask the Judge how he evaluated the science of legal psychiatry, in which one eminent authority takes a diametrically opposite view from another—for one, a person is perfectly sane, and, for the other, he is unquestionably insane. Leaving hypnosis out of consideration completely because of the obvious prejudice against it, there remains a serious doubt that psychiatry in the court room is more scientific and exact than the polygraph examination. Yet it is accepted.

It must be admitted that prejudice and misconceptions—nay, gross ignorance!—about hypnosis, are deplorably prevalent, even among those who, in serving the public, should be better informed. It is impossible to guess when the situation will change.

One thing which should lead to a gradual acceptance of hypnosis in the court room is the establishment of legal precedent. Ignorance has a tendency to give way to enlightenment. The better informed and the more objective among the judiciary will eventually establish sufficient precedents to achieve a modicum of acceptance for hypnosis, as well as for the polygraph. Two such precedents have already been set.

On the very morning of this writing, I received information from Detroit that Attorney Harry H. Anbender obtained a court order authorizing him to employ hypnotist Hyman A. Lewis, a member of the Association to Advance Ethical Hypnosis, in questioning his client, Ephraim Clark—a suspect in a murder case. The attorney admitted that the information thus elicited will not be admitted in court, but he expected it to supply evidence which might have a direct bearing on the trial.

In the Conrey Murder Case in May, 1959, the defense attorney waged a long legal battle against heavy odds. Several judges ruled against allowing a hypnotist to question a murder suspect. The matter finally went to the California Supreme Court. The District Attorney argued that he had nothing against hypnosis. "It is just that it is a little unusual," he said.

The retort by Justice Peters, a masterpiece of simplicity, probably was responsible for winning the decision in favor of hypnosis, a decision that will go down in history as Los Angeles File No. 25328.

"Since when," snapped Justice Peters, "Is the unusual unlawful?"

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COMBAT SHOOTING

POLICE FIREARMS — AMMUNITION — SHOOTING TECHNIQUES

A Water Tank System of Bullet Recovery

By Edward G. Bigler

ABOUT THE AUTHOR: *The author is a firearms examiner with the Dade County Crime Laboratory and holds a Bachelor of Science degree. Mr. Bigler is a member of The American Academy of Forensic Sciences and the International Association for Identification.*

The Metropolitan Dade County Crime Laboratory under Sheriff Thomas J. Kelly, Director of Public Safety, recently moved into its new quarters in the one million dollar Public Safety Department building at Thirteen twenty Northwest Fourteenth Street, Miami, Florida. The laboratory was formerly located in the Dade County Court House where we operated under rather crowded conditions. At our present location, the laboratory has eight thousand five hundred square feet of floor space. The laboratory is part of the Central Services Division headed by Chief Charles W. Zmuda. The supervisor and chief chemist is Mr. Edward Whittaker who is responsible for all sections of the laboratory which include physical and chemical analyses, polygraph, firearms identification, photography, mobile laboratory unit and chemical tests for intoxication.

This article deals with one piece of equipment which may be of interest to other law enforcement agencies and forensic laboratories: our bullet recovery tank. The idea of using a water tank to recover fire projectiles is not new and has been used with varying degrees of success in other laboratories throughout the world. The purpose of this article is to relate to other agencies our ideas on bullet recovery tank design, the effectiveness of such a device and the relative advantages and disadvantages.

Address: Mr. Edward Bigler, Metropolitan Dade County, Public Safety Department, 1320 N. W. 14th Street, Miami 35, Florida.

For a number of years our laboratory used the cotton waste bullet recovery box which has the inherent disadvantage of occasional wiping of barrel produced markings from higher velocity lead projectiles.

Our first experience with a vertical water recovery tank was in our old quarters in the court house. Due to limited physical facilities and existing structures, we had to plan and design the tank to fit its surroundings. The final product was a steel pipe six feet in length, one-half inch thick wall with a one inch steel plate welded to the bottom. The top consisted of a hinged wooden cover with a rubber gasket in the center which in turn was slit to accommodate the barrel of the weapon. The recovery basket was a one inch wide steel band just slightly smaller than the inside diameter of the tank with a regular bail handle and chain attached. Ordinary window screening was fastened to this steel band. The low cost of this unit, approximately one hundred and twenty-five dollars, was attributable to small size, simplicity of design, and the use of surplus or used materials in its fabrcation.

After firing into the tank the makeshift basket was pulled by hand to the top and the projectiles recovered. This tank was filled by a hose attached to the nearest existing plumbing facilities. The tank was drained by siphoning the water. Since the top of the tank was six feet above floor level it was necessary to build several steps leading up to a wooden platform built next to the tank, on which the firearms examiner stood when firing the weapon.

The tank provided the inherent advantage of water recovery in that the fired projectiles were not wiped of any barrel produced markings, but without going into any detail the reader can see the disadvantages such as the filling and draining of the tank, rust, tearing of the screen basket, etc. Even with these disadvantages we felt that the principle involved was sound and therefore in planning the laboratory in the new building we incorporated what we felt were all the features a good bullet recovery tank should have.

Our present laboratory is situated on the fifth and top floor of the new building and our "Shoot Room" has one and a half inch thick cork walls, acoustical tile ceiling, and a thick insulated door all of which reduce the noise of firing to such a degree that no one in the building is disturbed. (See Fig. 1) Our tank is twelve feet six inches in depth and is constructed of one-half inch thick seamless steel steam pipe with an outside diameter of twenty inches. The tank was constructed of two equal halves which are flanged and bolted together thereby facilitating removal of the entire tank should the need arise. The bottom of the tank is on the fourth floor level and rests on a concrete slab topped by three inches of Vibramount composition felt pad. On this pad there are four spring-flex mounts. The tank actually rests on these mounts, each of which will support 4,800 lbs. and each with a deflection

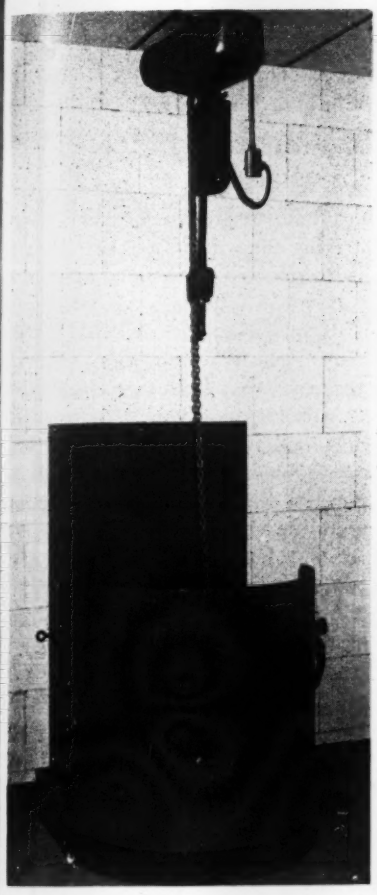


Figure 1

of eight-tenths of an inch. (See Fig. 2.)

The purpose of these springs is to prevent the shock of the bullet striking the water from being transmitted to the building. The empty tank weighs 4,500 lbs. and when filled with 144 gals. of water the total weight is approximately 5,700 lbs. Before installing the springs we found that the shock transmitted to the building from firing was felt throughout the structure and was very disturbing to personnel. The top of the tank extends two feet above the fifth floor level and it supports the hinged cover. The cover itself is one-half inch thick steel plate with a four inch circular, rubber, center-punctured window in its center to accommodate the barrel of the firearm. As shown in the photographs the cover is vented to permit pressure and gases to escape. (See Fig. 3.)

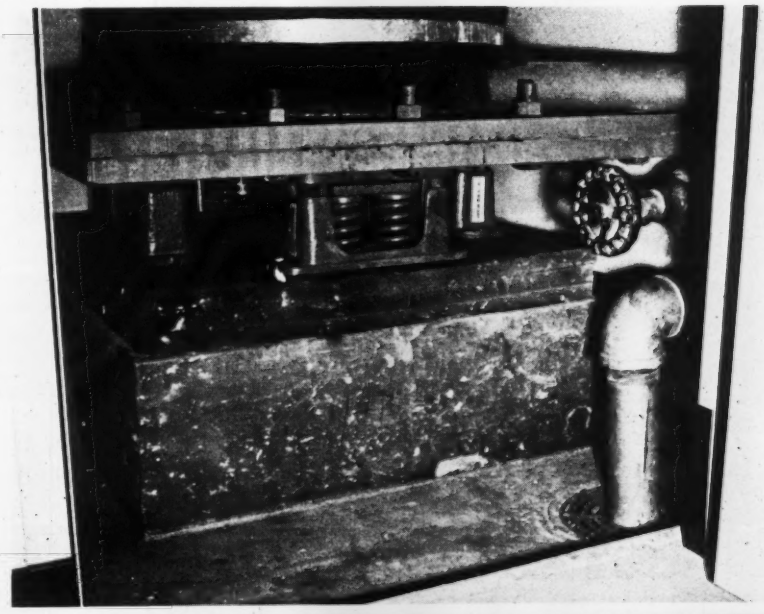


Figure 2 (Above)

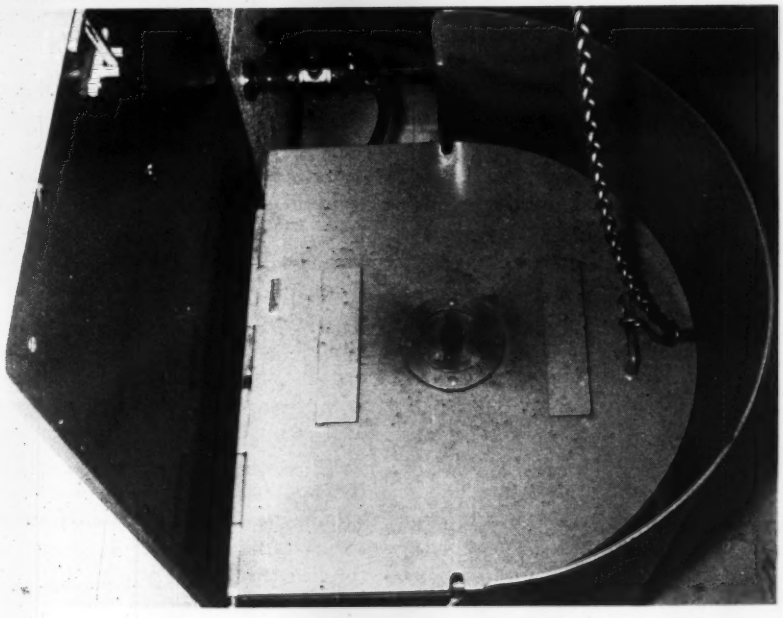


Figure 3 (Below)

Our present cover is too heavy for manual operation. However, the weight may be desirable in terms of blast holding capability, but a simple latch on a lighter cover may prove more desirable. Also, as shown in the photographs there is an inverted steel baffle cone on the underside of the cover to prevent water from splashing through these vent openings. (See Fig. 4.) If total cost were not a factor, a stainless steel liner or sleeve inside the tank would prove valuable in eliminating rust, etc., but the cost was considered prohibitive. We keep approximately eleven feet of water in the tank, thereby leaving eighteen inches of air space. The recovery basket is eighteen inches in depth and has approximately three-sixteenths of an inch clearance with the sidewall of the tank. The bottom of the basket is sheet steel with numerous one-eighth of an inch perforations while

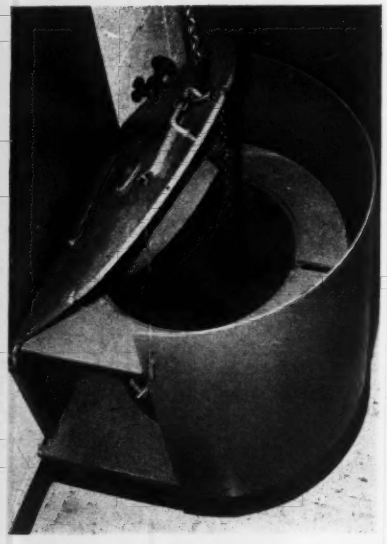


Figure 4

the sides and handle are stainless steel. An electric hoist and chain is used to recover the basket and lift the cover. The hoist is suspended by means of shackles from a U-bolt on an I-beam attached to the roof joists. Incidentally, this same I-beam arrangement was designed to provide for lifting of the tank sections in case the need arises. The front of the tank cover was slotted to permit the cover to close completely and let the hoist chain lie along the sidewall of the tank during the actual firing. After the projectiles have been fired, a hook arrangement (See Photo) from the cover handle to the chain permits us to lift the cover to approximately a forty-five degree angle at which point we manually unfasten the hook, push the cover back and up until it comes to rest against a board fastened to the wall of the room. This board has a T-hook which drops into the slot in the cover and acts as a safety to insure the cover staying open. We continue raising the basket until it emerges from the water and we manually recover the projectiles. A three inch drain and valve arrangement, connected with the plumbing facilities, is located on the side of the tank just above the bottom by which the tank may be drained in 20 min. In the "Shoot Room" itself we have a water outlet just to one side of the tank by which we can fill the tank in 30 min. Sodium Chromate and Sodium Hexametaphosphate have been added to the water to keep it clear and prevent rust. A one-fourth of an inch thick steel semi-circular shield is mounted two inches from the front of the tank and rests on the floor of the room. This shield extends one foot above the tank cover and its purpose is to prevent the man firing the weapon from being struck by bullet fragments that may be sheared off during actual firing of misaligned revolvers. The total cost of tank and installation, not including hoist, was approximately two thousand five hundred dollars.

As mentioned earlier, the major advantage of a water recovery tank is that the fired projectiles are recovered in excellent condition — in that very few, if any, of the barrel produced markings are "wiped off" as they well may be in using the cotton waste recovery method. Ease of operation is another desirable quality. In using a shoot box containing cotton waste several problems arise: the proper arranging of the waste; the inserting of proper spacers; the frequent difficulty in locating and recovering the fired bullet. We examine and test fire approximately one hundred firearms a month and in the four months that we have been using our new tank we have encountered no difficulties and at the present time see no basic disadvantages in the water system of bullet recovery. Another desirable feature is the fact that the examiner stays dry during the firing and recovery operation. This is due to the fact that the entire recovery basket rises above the water level while the water drains through the bottom of the basket leaving the projectiles high and dry to be removed by the examiner.

In the firing of small caliber weapons such as the twenty-two we have occasionally lost the projectiles in that they worked their way between the basket and the side of the tank. To compensate for this we are contemplating installing a plastic wipe ring attached to the top edge of the recovery basket. This ring will slant up and out just enough to touch the sidewall of the tank. We deal mostly with hand guns in our work and we have fired from twenty-two caliber up to and including forty-four magnum in our tank. The nose of a forty-four magnum will flatten from striking the water, but the rifling is well preserved. The same applies to hollow points as there again the nose is distorted but the base and rifling are in excellent condition. We realize there is a limit as to how large a caliber weapon may be safely fired into such a device, but this presents no problem as we have an indoor range and also deep swimming pools available the year around that we may use in dealing with larger caliber shoulder weapons.

After two years of use and critical evaluation of the water recover system, it is our opinion that this method of bullet recovery is a definite asset to the laboratory. When the firearms examiner begins his work on a case, it is indeed gratifying for him to know that his test projectiles, recovered from a water tank system, have retained the maximum amount of barrel produced markings. From this he realizes that his chances are enhanced for reaching the firearms examiners' goal—A Positive Finding.

★★★

ESCAPING SUBMERGED CARS TO BE STUDIED

WASHINGTON, D. C.—The best ways accident victims can escape from submerged automobiles or stay alive long enough to be rescued will be studied next month by the Michigan State Police, the Indiana University School of Health, Physical Education and Recreation, and the American National Red Cross.

They point out that, each year, an average of 400 Americans lose their lives when their automobiles plunge off bridges and roads into deep water. Although, in past years, some tests have been made and many theories advanced, next month's project will be the first such intensive research on the most practical methods of escape and rescue.

Results of the tests will be made widely available to the American driving public and also will be distributed internationally through the League of Red Cross Societies.

POLICE COLLEGE NEWS

Edited by Allen P. Bristow

PROFESSIONAL FRATERNITY EXPANDS

The May, 1961, issue of the Journal of Lambda Alpha Epsilon indicates that this law enforcement fraternity now has chapters on the campus of at least ten colleges in the United States. This fraternity was established in 1937 at San Jose State College and is incorporated as a non-profit professional society.

This fraternity is a dynamic and rapidly growing *professional* society devoted to the elevation of personnel, training, and procedure standards in law enforcement. Its objectives are promote public understanding of police problems and foster greater understanding between agencies.

Colleges with law enforcement programs which have interest in forming a chapter of Lambda Alpha Epsilon may obtain further information by writing: William B. Melnico, President, Grand Chapter, Lambda Alpha Epsilon, 2411 Wittkop Way, Sacramento, California.

UNIVERSITY RESEARCH PROJECTS UNDERWAY

A. F. Branstatter, Director of the School of Police Administration and Public Safety at Michigan State University has announced a number of research projects now in progress.

Delinquency Prevention Programs in Michigan—J. J. Brennan

Criminal Law Handbook—F. D. Day

Button Rifling in Firearms Identification—J. D. Nicol

Correctional Research Analysis—A. C. Schnur

Evaluation of M.S.U. Field Training Program—E. B. Roberts

Numerical Indices of Performance of State Police Officers—G. M. Schultz

Relationships Between Psychological Testing, Academic Achievement, and Performance with Respect to the Police Administrator—S. G. Chapman

Persons who have professional interest in these research projects should contact the indicated staff members at Michigan State University.

NEW FACES

It was recently announced that Dr. Stephen Schafer will join the staff at Florida State University in September, 1961. Dr. Schafer was formerly a Professor of Criminology at the University of Maryland program in London.

Ralph F. Turner and Paul M. Shields return in August to Michigan State University after a two year assignment with the Vietnam Project in Saigon. Roy Hollady will also return to the Michigan State University staff in September after having served for one year as Director with the St. Louis Police Department.

COLLEGE SURVEY COMPLETED

Richard A. Myren, Associate Professor of Police Administration at Indiana University, has recently completed a study of colleges and universities which offer four-year programs in law enforcement. His research indicates that there are now sixteen such institutions in the United States, staffed by sixty-two, full-time faculty members. Professor Myren experienced great difficulty in establishing criteria for this study. Eliminated, for instance, were institutions whose law enforcement programs are primarily sociological in nature, and those whose programs are primarily of the institute nature.

His study also contains comprehensive biographical data on all full-time faculty members, including publications. Your editor hopes that the study will see publication in one of the professional journals as the subject matter is of great interest to all those involved in police training.

Junior Colleges: The study of four-year colleges with Police Science programs made by Myren stimulates the imagination. As a budding profession, we seem to know very little about ourselves, and seem to learn only when one of our members conducts and publishes research. One of the questions posed by Myren is, "—how many two-year colleges offer Police Science programs?" Who will take up the task of furthering Myrens' work by conducting a survey of the Junior Colleges?

Just as a starter, for instance, your editor recently surveyed Los Angeles County, California, for this purpose. It was found that in this one county there were *eleven* junior colleges with full two-year programs in Police Science; these in addition to the *three* colleges in that county which provide four-year and graduate programs.

UNIVERSITY OF CALIFORNIA HAS NEW CRIMINOLOGY DEAN

The appointment of Joseph D. Lohman as Dean of the School of Criminology and Professor of Criminology on the Berkeley campus of the University of California was announced by President Clark Kerr and Chancellor Edward W. Strong.

Lohman has been serving as treas-

urer of the State of Illinois and Lecturer in Criminology at the University of Chicago and is a former sheriff of Chicago's Cook County.

He is expected to arrive at Berkeley in time to assume his new duties before the beginning of the fall semester.

"We are fortunate to find in Lohman a pre-eminent man in his field, who combines both broad practical experience and a command of theoretical and academic aspects of criminology," Chancellor Strong said. "His acceptance of the appointment is a stimulus to the program of our School of Criminology."

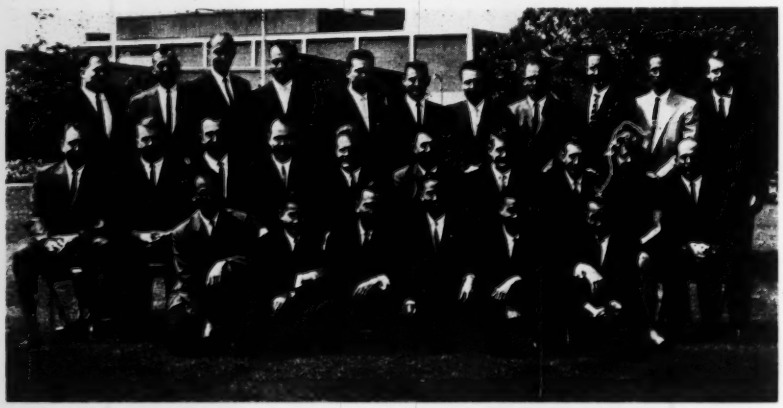
Born 51 years ago in New York City, Lohman is a 1930 graduate of the University of Denver with a Master's degree from the University of Wisconsin and further post-graduate study at the University of Chicago.

As an educator, he has held teaching positions in sociology and in criminology at the University of Chicago, was chairman of the Department of Sociology at American University in 1954, a member of the faculty at the University of Wisconsin in 1946, and has been a visiting professor at the University of Michigan, University of Washington, and University of Denver.

As Dean of the School of Criminology at Berkeley, Lohman succeeds Orlando W. Wilson, who left the post in March of 1960 to accept a position as Superintendent of the Chicago Police Department.

TOKEN OF APPRECIATION

Token of appreciation for the capture of Norman A. Porter, Jr., and co-operation shown the Cambridge Police Department is presented to Keene, New Hampshire Police Chief, William T. Bridgham (third left) by Cambridge Chief Daniel J. Brennan (left). Second left is Professor Robert Sheehan, Chairman of the Northeastern University Department of Law Enforcement and Security, in whose class the presentation was made. On the right is Captain John J. Grainger of Cambridge. Chief Bridgham was in Boston to see one of his men graduate from course in accident investigation at N. U.



LONG BEACH STATE COLLEGE GRADUATES CLASS

Top Row: (L to R) John J. Bocke, Richard F. Johnson (investigators, district attorney); Albert W. La Rue (Long Beach P. D.); Robert H. Wright (L. A. Co. Sheriff); Jack R. Brick (Security, Aeroneutronics); David A. Varrelman (L. A. Co. Sheriff); Raymond A. Blanscet (Santa Ana P. D.); Edward L. (Ivan) Beach (Orange Co. Sheriff); Homer N. Gholston (Security, U. S. Air Force); Ross G. Knudsen; Bren H. De Boer.

Middle Row: (L to R) Robert V. Hill (Long Beach P. D.); Dennis Hamilton; Eugene D. Rudolph (Compton P. D.); John W. Matthews (South Gate P. D.); Prof. P. M. Howard (LBSC); Dr. A. C. Germann (LBSC); Prof. C. S. Price (LBSC); John H. Good (Security, Knott's Berry Farm); Rose-Ellen Nelson; John A. Hackett.

Kneeling: (L to R) Hoang-Van-An; Le-Van-Tuat, Le-Van-Luoi; Ton-That-Nhieu; Nguyen-Xuan-Phuong; Nguyen-Huu-Ngoan (Police Administrtors, Republic of Vietnam).

NORTHWESTERN UNIVERSITY TRAFFIC INSTITUTE TO HOLD SHORT COURSES

The Traffic Institute will again present three short courses in administration and techniques for police. The courses are:

Accident Investigation, Administration and Techniques, September 11-29, 1961.

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Supervision of Police Personnel, October 23-November 10, 1961.

Eligible to attend are command, supervisory, and training personnel, officers specifically in charge of accident investigation, training, and traffic law enforcement; personnel who may be assigned these responsibilities, and general patrol officers.

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Edited by Dr. William Dienstein

Stephen Schafer: RESTITUTION TO VICTIMS OF CRIME. (Stevens: London) Quadrangle Books, Inc., 119 West Lake Street, Chicago 1, Illinois, 1960. 130 pages, $4.75.

(Reviewer's note: Published under the auspices of London's Institute for the Study and Treatment of Delinquency, this is the Library of Criminology's second publication. It's author, with a distinguished career in European criminology, has also held an academic position at the University of Maryland as a Reader in Criminology and Penology.)

The book combines refreshing brevity with satisfying coverage. Its scholarly, well-documented survey of the origin, development, and decline of the restitutional principle ranges across the centuries and across the continents—from Hammurabi to 1960, from Finland to South Africa, from North and South America through the Middle East (Israel, Persia, and Egypt) to India and Pakistan, from Western capitalism to the communism of Hungary and the USSR. Its concluding section, discussing restitutional aspects of punishment and punitive aspects of restitution, is a model of a calm yet inspired appraisal, with well-considered suggestions concerning the future of restitution.

One of Dr. Shafer's theses is that our society is aggressor-oriented, tending to focus upon understanding, punishing, or helping him, and upon deterring his further offenses—all this to the neglect of his victim: there is no Victims' Aid Association. Dr. Schafer paints a broad yet detailed canvass illustrating that an emphasis upon restitution, rectifying this situation of neglect for the victim, would not be introducing a new idea but rather would constitute a return to an older wisdom whose gradual and tragic loss he describes and explains: the honor of the State takes precedence over the suffering of the individual. Criminology is a social problem; victimology has seen only as a personal and private problem.

Moreover, Dr. Schafer ably and clearly make his point that concern for a victim, far from being to the offender's detriment, may contribute to his rehabilitation, as well as to the victim's well-being and to society's need to achieve a sense of justice.

An appendix lists 10 questions used as a starting point in this investigation, and permits the reader an opportunity to pursue research of his own along similar lines. Author and subject indexes, and a bibliography of references, would contribute to a more conventional format and would enhance the book's value to those interested in further pursuit of this worthwhile and overlooked aspect of correctional work.

ALBERT EGLASH, PHD.
Chairman, Psychology Department
Detroit Institute of Technology

Peter Safar, M.D., and Martin M. McMahon: RESUSCITATION OF THE UNCONSCIOUS VICTIMS, A Manual for Rescue Breathing (second edition), Charles C. Thomas Publisher, 301-327 East Lawrence Ave., Springfield, Illinois, 1961, 87 pages, $2.00.

A small book, but all of its 87 pages are packed with pertinent and valuable information. There are four sections to the book, all important by themselves, but necessary for a complete understanding Intermittent Positive Pressure Breathing (IPPB).

Section One discusses a phase of resuscitation seldom fully understood by those who find it necessary to perform some method of resuscitation, that is, what is asphyxia, how is asphyxia recognized, and why is the mouth-to-mouth method superior to the manual methods.

Section Two presents a clear understanding of what is necessary for resuscitation to be accomplished.

Section Three covers various methods of IPPB including the exhaled air method, one of these being direct mouth-to-mouth, or mouth-to-nose breathing. This is probably the most important method described in the book as no equipment is required for satisfactory performance. Atmospheric air methods and oxygen methods are also discussed in detail. All methods described are easily understood and the accompanying diagrams excellently reinforce the written material.

Section Four covers various circumstances when IPPB will be valuable, including newborn resuscitation, and cardiac resuscitation, two situations frequently encountered by the law enforcement officer. A glossary, teaching aids, and bibliography is provided.

It is recommended all those engaged in any public service, law enforcement, fire protection, or first aid be thoroughly familiar with the total contents of this book. It would be well for all adults to be acquainted with the contents of the book for self and family protection. This book would be a valuable addition to one's library.

HENRY F. FRICKER, Chairman
Department of Health Education
Fresno State College

Speed, Oscar, Jr.: A REPORT OF AN ADMINISTRATIVE ANALYSIS OF A POLICE CAR REPORTING SYSTEM, John W. Donner Fund Publication No. 20, University of Southern California Bookstore, Los Angeles 7, California, $3.75.

The John W. Donner Memorial Publications Fund was created in 1956 to honor the memory of one of the principal leaders in the movement for higher standards of public service in Southern California. Dr. Donner, who had a long and distinguished career in the City of Los Angeles, last served as Secretary-General Manager of the Los Angeles Police and Fire Pension Fund. He died in 1955.

Because of his great interest in improving the quality of public service, Mr. Donner was very active in the establishment of the School of Public Administration at the University of California. He promoted it; he enrolled in its classes; he earned one of its first Master's Degrees; he taught its classes in Governmental Accounting for many years.

The Publications Fund which now bears the Donner name has been a long-felt need of the School of Public Administration. Each year many worthwhile research undertakings are completed in the affairs of government that ought to be made available beyond the confines of the Doheny Library of the University.

In order to provide the financial basis for the publication of these documents, friends of Mr. Donner under the leadership of Los Angeles City Clerk, Walter C. Peterson, raised sufficient money to permit the School to embark on this project. Publications will be priced at their actual cost of production; the Donner Fund will be used to supply the working capital.

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HENRY REINING, JR., Dean
School of Public Administration
University of Southern California

The Case Of Capital Punishment

By Clyde B. Vedder

ABOUT THE AUTHOR: *We know of no one better qualified to present this controversial subject. Doctor Vedder has had a long-time experience in this general subject area and has been associated with many individuals with whom he has been able to consider the positions demonstrated in this paper. At the present time he is Professor of Sociology at Northern Illinois University, DeKalb, Illinois. Many of you will be familiar with his many papers, with his books, and with his participation on outstanding committee-symposia.*

One of the most controversial subjects of our time is capital punishment, which has been termed "a quick way of disposing of a problem without solving it." It has been exampled as "Man's Indignity to Man," a gruesome game of "Beat the Clock." The recent Caryl Chessman case indicated the extent controversy divided public opinion in all walks of life. Many of the public dote upon murders, murder trials, executions as certain emotional classes find relaxation in the intimate lives of Reno or Hollywood.

Capital punishment has supplied morbid humor especially in the prison setting, where the electric chair has been described as "Going out West," "The Hot Squat," "Juiced," "Ride the Lightning," "The Waffle Iron," "Smokey Joe," and "Sparky." In the death house at Huntsville (Texas), the execution occurs on "Barbecue Night." In another prison, a small sign was found on the electric chair which read, "You can be *sure* if it's Westinghouse." Prison inmates become philosophical about capital punishment: "What are you so excited about, it's not your neck, so why worry?" Some inmates complained because in slamming cell doors, heralding the condemned man's last walk a little before sunrise, it disturbed their sleep.[1]

Capital punishment appears to provide a certain morbid efficiency, almost a fascination for the executioner, especially when executions as hangings were made public. Judge Ike Parker, the "Hanging Judge" of Fort Smith, Arkansas, and his hangman, George Maledon, took pride in carrying out the death sentences of the court. The scaffold had a platform thirty inches wide, twenty feet long, giving room for twelve men to stand upon it side by side. Maledon was never able to plunge that many to their death at once, but on two occasions, he did execute six men with one springing his trap, three times five men, three times four men, with triple and double executions too numerous to mention. Some five thousand people gathered to see the celebrated gibbet tested to "half its capacity." Maledon had a sentimental affection for his hanging machine. When the court was abolished just before Judge Parker's death in 1896, he attempted to get possession of the scaffold! It has been claimed that Maledon's two six-man hangings were a record for the United States. But on December 28, 1862, at the conclusion of the Sioux outbreak in Minnesota, thirty-nine unfortunate Indians were executed *at once* on a specially built gallows at Mankato, Minnesota.[2]

Capital punishment is a complex process with little general agreement as to method, penalties and the like. Six states have abolished capital punishment entirely.[3] Three other states, Michigan, Rhode Island and North Dakota retain the death penalty for treason, murder in prison by convicted murders, but never invoke it. Nine other states have abolished capital punishment, then re-instated it.[4] The year 1917 was the low point in number of capital punishment states.

Murder is a capital offense, although not always mandatory in 48 jurisdictions, kidnapping in 37 jurisdictions, treason in 26, rape in 20, dueling in 18, train-wrecking in 15, lynching in 10, perjury in capital trials in 10, dynamiting in 7, armed robbery in 7, arson in 6, train-robbery in 5, burglary in 4, and "other offenses"[5] in 22 jurisdictions. There are six capital crimes under federal law (murder, rape, bank robbery, kidnapping, treason, espionage) contrasted with thirty-one capital crimes under state law. However, executions are seldom carried out except for murder, and rape by Negro in the South. Of the capital punishment states twenty-four have electrocution, eleven favor lethal gas, seven states provide hanging, and one state, Utah, gives the condemned a choice between hanging or being shot at sunrise.

In former times, beheading was considered the most noble form of capital punishment, while hanging carried a strong connotation of social stigma and disgrace. In England prisoners were often boiled alive, a penalty considered uniquely appropriate for cooks who thus spoiled the broth; traitors were beheaded or drawn and quartered. Ignorance, fear and religious intolerance created crimes of heresy and sorcery, and thousands of heretics and witches were burned at the stake or hanged in Germany, France, England and the new American colonies.[6] In 18th century England, more than two hundred capital offenses were present including shooting a rabbit, theft of a pocket handkerchief, stealing bread, cutting down a cherry tree, or associating with gypsies. Women and children were hanged for petty theft. In 1801, Andrew Brenning, thirteen, was hanged for stealing a spoon. Hangings were attended by huge crowds

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While pickpockets hung, pickpockets worked in the crowds, so preoccupied with hangings were the victims.[7]

There is mounting evidence to indicate that capital punishment may be a fading practice. Some capital punishment states haven't had an execution in years. In 1957, out of the 65 executions, four states[8] accounted for more than half of the executions. During the 1930's, the average number of executions numbered about 150, while in the 1950's, the average executions dropped to 72, with an all-time low of 48 executions in 1958. Executed women are becoming a rarity, not one woman was executed in 1958 or 1959, and only thirty-one women have been executed over the past thirty years. Today, capital punishment has been abolished over much of the Western civilization. In Great Britain, only a few varieties of homicide classified as "capital homicide" like killing a police officer or multiple murder.

Many authorities feel the death penalty is on the way out. In one national magazine, appeared this editorial comment:[9]

> In another fifty years, this penalty could easily be of archeological interest to historians of penological oddities, or be revived as a philosophy of desperation. The deterrent value, the social-protection value, the appeasement-of-public-opinion value of this penalty apparently depend less on demonstrable statistical evidence than upon the emotional satisfaction that is the immediate reaction. The only deterrent value the death penalty has that can be proven beyond the peradventure of doubt is that the executed person is permanently deterred. Apparently that is enough in forty-two jurisdictions.

The standard arguments against capital punishment are well known, and usually include the assertions that it is a relic of savagery, perpetuated by custom and ignorance, inconsistent with religion and morality, man-made, hence fallible resulting in possible miscarriages of justice, and sets an example for murder, and violates the teaching of Jesus.

Donal E. J. MacNamara[10] adds that capital punishment is criminologically unsound. It violates the basic tenet of 20th century penology, i.e., the rehabilitation of offenders. To execute a convicted criminal in secure custody is vengeance and retribution. Capital punishment is unnecessary since it provides no more deterrence to the commission of capital crimes than do alternative, more acceptable penalties. Capital punishment has failed to achieve its objectives, i.e., the reduction or elimination of capital crimes. Capital punishment states do not enjoy a lower capital crime rate than non-capital punishment states. Capital punishment has been differentially and inconsistently applied to the disadvantage of minority group members from lower socio-economic levels, with a disproportionately high percentage having been defended by court-appointed lawyers. Capital punishment increases the costs of administering justice. It makes for long, drawn-out trials, many appeals and some juries may feel reluctant to be responsible for an execution. The threat of capital punishment provides no special protection to police officers. Most homicides are committed without any consideration of the death penalty. Recent studies at Vacaville (California Correctional Research Institute) and at Raiford (Florida State Penitentiary) give evidence that at least convicted murderers thought nothing of and were certainly not deterred by the prospect of the death penalty. Capital punishment is inconsistently and prejudicially applied; it imposes the barbaric "lex talionis" on a civilized democracy; it brutalizes our penal system and makes impossible the reform of criminal justice administration. However you look at it, capital punishment is brutal, sordid and savage; it is unworthy of a civilized people.

Some religious groups that have taken positions against capital punishment include Methodists, United Presbyterian Episcopal, American Baptist Convention, Central Conference of American Rabbis, and the Union of American Hebrew Congregations.[11]

Clinton T. Duffy,[12] who has witnessed over 150 executions, has commented that the process involved in capital punishment is nerve racking on the prison personnel, the family of the condemned prisoner, his loved ones and the friends who claim the body; and, of the thousands he interviewed from 1929 to 1952, not one person ever said he thought of the death penalty prior to the commission of his crime. Furthermore, the worst prisoners are not always executed. In both Folsom and San Quentin prisons there are inmates serving life sentences or less and their crimes are just as atrocious, and sometimes much more so, than most of the men on condemned row.

Gruesome details of executions are frequently cited in an effort to create a reaction of revulsion to such an "inhuman" type of punishment. Sometimes in a hanging the neck has not broken and the prisoner strangles to death.

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"His eyes pop almost out of his head, his tongue swells and protrudes from his mouth. The rope many times takes large portions of skin and flesh from the side of the face the noose is on. He defecates and droppings fall to the floor while witnesses look on and one or more usually faint or have to be helped out of the witness room."[13]

Electrocution is as gruesome as hanging.

"When the current is thrown through the body, the prisoner cringes from torture, his flesh swells, his skin stretches to the breaking point. He defecates, his tongue swells, his eyes pop out, in some cases the eyeballs rest on his cheeks. His flesh is burnt and smells of cooked meat. When the autopsy is performed, the liver is so hot that it cannot be touched by human hands, and as in hanging, electrocution disfigures the body severely."[14]

Proponents of the gas chamber point out the humanitarian aspects of their "system." The executioner presses the lever that allows the cyanide eggs to mix with the sulphuric acid, and in a matter of seconds the prisoner is unconscious, it is as though he has gone to sleep. The body is not disfigured in any way. Physicians usually refer to capital punishment as "sharp medicine."

From the point of view of many in the ministry, capital punishment is abhorred. It is un-Christian since its object is to end the criminal, not to mend him. We cannot change the life or character of a dead man.

"As I know there is a God, I know He is against capital punishment. 'Vengeance is mine, saith the Lord,' and it is His will that it must go. I see it as a sin against the love of God. I feel that the abolition of capital punishment is on the side of God and His angels."[15]

Frank Hartung[16] advances the argument that capital punishment is more expensive than the admittedly high cost of maintaining prisoners, even for long periods of time, in penal institutions. The excessive cost of a court trial dealing with capital offenses, plus a *pro rata* charge for the construction of the death house, plus added guard service for those in death row, amounts to a tidy sum.

One of the strongest arguments against capital punishment has to do with the lack of deterrence effort. It is no longer a *public* spectacle, hence a visual type of deterrence is limited to the warden, a few guards and invited witnesses, many of whom are actively engaged in law enforcement. As far as it is known, the last *public* execution in this country took place in Owensboro, Kentucky, on August 14, 1936, when twenty-two-year-old Ramsey Bethea was hanged. He was convicted of criminally assaulting and killing a seventy-year-old woman and news dispatches stated that some 20,000 persons witnessed the execution. Public sentiment was aroused, resulting in legislation that called for execution *within* the state penitentiary.[17]

The arguments advanced by those who favor the retention of the death penalty are well-known and usually include the statements that it costs only about $150.00 to execute the prisoner, including a new suit for the victim and overtime for the prison physician, as opposed to the annual expense of around $1,200 for maintenance, which in capital offenses, is apt to be for life. Capital punishment tends to prevent the public from taking the law into their own hands. Society is rid of physical, mental, and emotionally defective law violators. There is a certain finality about capital punishment which precludes any possibility of parole or pardon. Theoretically, a convict could kill and kill in prison yet himself could not be killed, which violates the ancient admonition that "whoever sheds man's blood by man shall his blood be shed." Catholics have defended capital punishment as society's right to take the criminal's life as an act of collective self-defense, and the Lutherans have stated "the Bible seems to permit the possibility of capital punishment." Most law-enforcement officers favor the death penalty, the common sense view, e.g., "men fear death, therefore potential murderers must fear the death penalty and burglars seldom carry guns, robbers often use unloaded guns, because they don't want to risk killing anybody." Most legislators agree with this point of view.[18]

At the meeting of the Criminal Law Section of the American Bar Association in Miami Beach in August, 1959, a panel discussed the subject "Should Capital Punishment be Abolished." Governor DiSalle of Ohio took the affirmative. Richard M. Gerstein, who is a Vice-President of the National District Attorneys' Association was asked to speak on the negative and made the following points in favor of capital punishment.

(1) Most prosecutors throughout the nation are strongly in favor of capital punishment because of its deterrent value, the principle of which has influenced our penal codes since ancient times. The crucifixion employed by the Romans, the drawing and quartering used by the English and the pillory and stocks by American colonials served to warn the potential criminal of the consequences of his proposed action. Deterrence is necessary for the maintenance of the legal system and the preservation of society.

(2) Statistics cannot tell us how many potential criminals have refrained from taking another's life thru fear of the death penalty. "The death penalty is a warning, like a lighthouse . . . we hear about shipwrecks but do not hear about the ships the lighthouse guides safely on

their way . . . why tear the lighthouse down."

(3) Capital punishment is a deterrent because criminals who have committed a capital offense, when faced with capture, have refrained from killing their captive, though escape was a probability. Criminals refrain from carrying deadly weapons, and victims have been removed from a capital punishment State to a non-capital punishment State to allow the murderer opportunity for homicide without threat to his own life.

(4) At least eight States which abolished the death penalty found it necessary to re-adopt it for its deterrent value. Washington repealed the death penalty in 1913, re-enacted it in 1919, in part due to the boasting of a man accused of a brutal murder that the State could do nothing to him but board him up for the rest of his life.

(5) The moralist argument that the State has no right to take life because it is "playing God," can be answered by pointing out that man must play God for he has acquired God-like powers, among them much mastery over life and death, as the atomic bomb. Modern medicine usurps prerogatives once held to be God's alone, and the doctor has literally brought men "back from the dead."

(6) The penalty of death is obviously the most dreaded punishment, else why does every murderer sentenced to death thankfully accept a life sentence if and when he is reprieved? Opponents of capital punishment admit it is necessary to provide the death penalty for murders committed by men under life sentences, in order to deter.[19]

The subject "capital punishment" always raises a great deal of controversy. Arrayed on either side are both men and women representing all levels in the socio-economic hierarchy, all educational levels, including the doctorate![20] Much information available tends to be contradictory. The American Institute of Public Opinion in 1955 found that sixty-eight per cent of the respondents favored the death penalty, opposed, twenty-five per cent, and no opinion, seven per cent. In a poll conducted by Elmo Roper, in 1958, fifty per cent of those asked for their opinion stated they were opposed to the death penalty, forty-two per cent were in favor and eight per cent expressed no opinion. It was further revealed by the poll that opposition is strongest among lower economic groups with fifty-three per cent expressing such opposition; whereas, in the upper economic groups 42% opposed the penalty.[21]

Probably most individuals "feel" rather than "think" about this controversial matter of capital punishment, as they present a black or white interpretation to themselves and others. The gray area somewhere in between is deserving of serious consideration. Similar to marriage and divorce laws, death penalty provisions cannot be expected to be accepted or rejected by all peoples living in the various diverse areas of the United States. Many thoughtful Southerners believe that the abolition of the death penalty would greatly increase the possibility of lynchings, due to race problems peculiar to the South.

Perhaps there is too much time and effort devoted to this problem. With legal executions below fifty a year, it might be questioned whether in fact there exists capital punishment of significance. Only a tiny fraction of those committing murder and rape ever face this extreme penalty. Far more "evil" is the unintelligent treatment of the 200,000 inmates in our penal institutions, not to mention the even less intelligent care of the millions who are, at one time or another, incarcerated in the county and city jails, most of which have been declared unfit for human habitation.

The perennial problem of capital punishment is obfuscated by the continual advancement of *sentimental* objections, such as "brutalizing the human spirit," "debasing hearts and minds," "only God has the right to take a life," "evil begets evil," et cetera, by those who propose the abolition of the death penalty. In this scientific age, such allusions seem "dated," and apparently have lost much of their powers of persuasiveness. The solution of the "death penalty" problem indicates the necessity of the non-sentimental approach in which the accumulated data may be viewed freshly, critically, and dispassionately.

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3 Wisconsin (1853), Maine (1887), Minnesota (1911), Alaska (pre-statehood), Hawaii (pre-statehood), and Delaware (1958).

4 Iowa, Kansas, Colorado, Washington, Oregon, S. Dakota, Tennessee, Arizona, and Missouri.

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7 *Time*, March 21, 1960, p. 36.

8 Georgia, 14; California, 9; Louisiana, 7; and Texas, 5.

9 *American Journal of Correction*, May-June, 1958, p. 27.

10 President, American League to Abolish Capital Punishment, in a paper read to the Southern Congress of Corrections, Tallahassee, Florida, March 3, 1961.

11 *Time*, *Op cit*, p. 19.

12 Former warden of San Quentin (California) in an address to the American Congress of Correction, August, 1956, Los Angeles.

13 Forum on "Capital Punishment," American Congress of Correction, *op cit*, 1956.

14 *Loc cit*.

15 *Loc cit*.

16 "On Capital Punishment" (Detroit: Wayne University Mimeographing Department, 1951).

17 Barnes and Teeters: *New Horizons in Criminology* Englewood Cliffs, N. J. Prentice-Hall, Inc., 1959, p. 307.

18 *Time*, *op cit*.

19 "A Prosecutor Looks at Capital Punishment," *The Journal of Criminal Law, Criminology and Police Science*, Vol. 51, No. 2, July-August, 1960, pp. 252-256.

20 At the conclusion of the Sixth Annual Southern Congress of Corrections, Tallahassee, March, 1961, the assemblage greatly enjoyed the "friendly argument between a Ph.D. in Sociology, and a Ph.D. in Psychology which carried on after the Congress was officially closed by Dr. Vernon Fox, the general chairman.

21 Barnes & Teeters: *op. cit.*, p. 320.

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